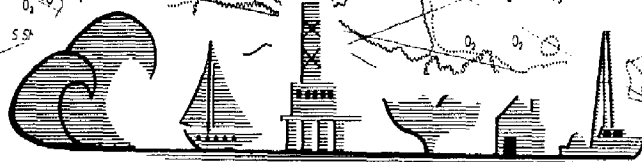


Alaska Coastal Management Program

District Implementation Manual



COASTAL ZONE INFORMATION CENTER

ALASKA COASTAL MANAGEMENT PROGRAM
DISTRICT IMPLEMENTATION MANUAL

State of Alaska
Office of the Governor
Division of Governmental Coordination

Steve Cowper, Governor
September 1988

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District Implementation Manual

DATE **Sept. 1988**

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- Alaska Coastal Management Program District Coordinators, Coastal Resource Service Area Board members, and other local coastal district officials;
- Alaska Division of Governmental Coordination;
- Alaska Department of Community and Regional Affairs;
- Alaska Department of Fish and Game;
- Alaska Department of Natural Resources;
- Alaska Department of Environmental Conservation;
- U.S. Army Corps of Engineers; and
- U.S. Environmental Protection Agency.

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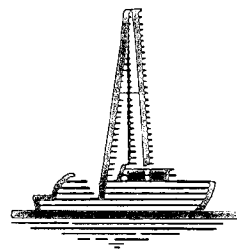
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District Implementation Manual

DATE Sept. 1988

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Introduction

INTRODUCTION

The purpose of this manual is to assist you in the implementation of your local coastal management program. Coastal management in Alaska is an exciting responsibility. It is a challenging task because our coastal areas are huge and complex, as illustrated by the map of Alaska inserted at the end of this Introduction. Our state has 33,000 miles of coastline, more than ALL other states combined!

The management of our state's coast is also a vitally important task. Coastal management will have far-reaching impacts on Alaska's future. Many of our natural resources are located in coastal areas. Our economy and our quality of life may depend more on coastal management than on any other part of land use planning. Simply put, coastal management is a big job, yet one which will truly make a difference!

WHAT IS IMPLEMENTATION?

It means finding ways to put the policies of your district's program into action. Developing your Coastal Management Program (CMP) was a first major step! The next step is actually getting your program to work for your district.

HOW DOES THE DISTRICT COORDINATOR FIT IN?

The district coordinator has the task of seeing that the district's coastal management program is implemented, once it is approved. You, as a district coordinator, will work on several levels to do this:

- At the local level, you will work with your City Council, Borough Assembly, or Coastal Resource Service Area (CRSA) Board, community groups, and the public.
- At the district level, you will be a member of the statewide community of district coordinators.
- At the state and federal level, you will interact with government agencies who are also concerned with coastal management, especially with the State of Alaska's Division of Governmental Coordination (DGC). DGC has the task of overseeing and implementing the Alaska Coastal Management Program (ACMP) statewide.

WHAT DOES A DISTRICT COORDINATOR DO?

As a district coordinator, you are likely to find yourself:

- Reviewing proposed projects to see if they meet the standards of your district's coastal management program. The task of reviewing projects begins after a district's program is approved.
- Assisting people with proposed projects to get through the coastal consistency process.
- Improving community awareness about the importance of coastal management. All district coordinators are involved in community education, whether their programs have been approved or are still in the development stages.
- Working with local, state, and federal governments to address coastal management issues in their land use plans and regulations. All district coordinators—whether in charge of district in a city, borough, or CRSA—do this too!

WHAT IF...?

Although each district is unique, district coordinators often face similar coastal management situations and issues. This manual is organized to help you deal with issues that district coordinators commonly face. The manual's table of contents is one way to find information on a particular issue. As an alternative means of reference, we've listed below many "**What if**" situations you are likely to face. Next to each "**What if**" is the page in the manual where your questions are answered.

- **What if** I just arrived on the job and don't know where to start to implement my district's program? See page 1, or Appendix B, Key Players.
- **What if** I don't know the meaning of some of the commonly used coastal management words and phrases? See the Glossary, which starts on page 187.
- **What if** I need to contact another district coordinator or DGC? See Tables V-B.2 and V-B.3 of Appendix B, Key Players.

- **What if I need to contact my district's Coastal Policy Council representative?** See Table V-B.1 of Appendix B, Key Players.
- **What if I receive a project to review for Consistency Determination?**
 - For a complete explanation of the pertinent regulations and procedures, begin on page 117 and continue through page 174.
 - For how your district fits into this process, read from page 129 through 171.
 - For a quick overview with step-by-step directions, see Figure II-1., (*page 114,115*)
 - For the review schedule, see Figure II-1 (*page 114,115*) and pages 129 through 157.
 - For sample letters, see Figures II-2 through II-8.
 - For how state and federal agencies fit in to this process, start with pages 175 through 179. For whom to contact, see Tables V-B.4 and V-B.5 in Appendix B.
 - For lists of the key players in the process, see Appendix B.
 - For an index to the state consistency review process, see Chapter VI.
- **What if my district is in the process of adopting our coastal management program, and it is time for me to begin thinking of ways to implement it?**
 - To find out what is working in other districts, see Table I-1.
 - To read a detailed explanation of implementation techniques used by districts, start with page 9.
 - To begin evaluating what is realistic for your district, see page 53.
 - To see actual examples of ordinances and checklists, start with page 55.

- **What if** my local community is concerned about a management plan that a state or federal agency is developing? See page 9, and Examples 1 and 3.
- **What if** I'd like some new public involvement ideas? Read pages 14 through 17, and look at Examples 4 through 7.
- **What if** somebody walks in off the street and needs help to get a project reviewed? See pages 181 through 184 and Appendix D (Coastal Project Questionnaire).
- **What if** I think coastal management issues should be a part of my community's other land use plans and regulations? See pages 23 through 48, and Examples 8 through 28.

WARNING! DO NOT READ THIS BOOK FROM COVER TO COVER!

We have compiled quite a bit of material in this manual. The manual includes many subjects requested by district coordinators. We have also included examples of techniques used by district coordinators or adopted by districts, as well as case histories and illustrations. So, we encourage you first to thumb through this book and then to use it situation-by-situation. The "What if" section will help you do this. Please do not feel you must sit down and read the manual from cover to cover!

HOW ABOUT A QUICK WALK-THROUGH OF THIS MANUAL?

The first two chapters of this manual discuss implementation of coastal management goals and policies at three levels: local, state, and federal.

- **Chapter I:** Description and examples of local implementation techniques. There are many ways that your district can implement its policies locally. Each technique is listed and explained in terms of how it can be used by a Coastal Resource Service Area or by an organized borough or city. For quick reference, we've summarized this chapter in Table I-1, on page 7. All of the examples of the implementation techniques were contributed by Alaska Coastal Management Program District Coordinators.

- **Chapter II:** District participation in coastal management implementation at the state and federal level. This chapter explains the consistency review process, key players, schedule, and other details. For quick reference, we've included a step-by-step explanation, in chart form, of the consistency review process. See Figure II-1 which is on pages 114 and 115.

The following chapters provide ideas and information which may be of general help:

- **Chapter III:** How districts can assist applicants whose projects are undergoing consistency review.
- **Chapter IV:** Glossary (definitions of terms often used in coastal management).
- **Chapter V:** Expedited review lists (known as the "A," "B," and "C" lists); and names and addresses of:
 - agency personnel involved in coastal management;
 - coastal coordinators from throughout the state;
 - DGC staff; and
 - Alaska Coastal Policy Council members.

WHY DO THE PAGES LOOK THE WAY THEY DO?

There are three type styles and formats used in this manual. Each type style and format identifies a particular kind of information:

This type style and format is a federal or state statute or regulation. Statutes are laws passed by elected legislative bodies (in this case, the Alaska State Legislature or the U.S. Congress). Regulations are adopted by an administrative agencies, such as the Alaska Coastal Policy Council.

This type style and format is an explanation of a specific statute or regulation.

The remainder of the text appears in this style and format. It includes case histories, examples, and other information.

HELP US HELP YOU!

We are very excited about this first edition! We have included in this manual information that was requested by district coordinators, as well as by state and federal agency staff. But you, as the manual's user, will discover what needs to be added or changed. We value your advice. Please suggest revisions to DGC. This will help us to keep the manual current and useful.

To incorporate your suggestions, as well as other changes, we have designed the manual so information can be easily added and updated. Each page is numbered and dated in the lower right-hand corner. When you receive updates or revisions, discard the out-dated pages as indicated by the instructions, and insert the new pages.

Alaska Coastal Management Program Map of Coastal Resource Districts

August 1988

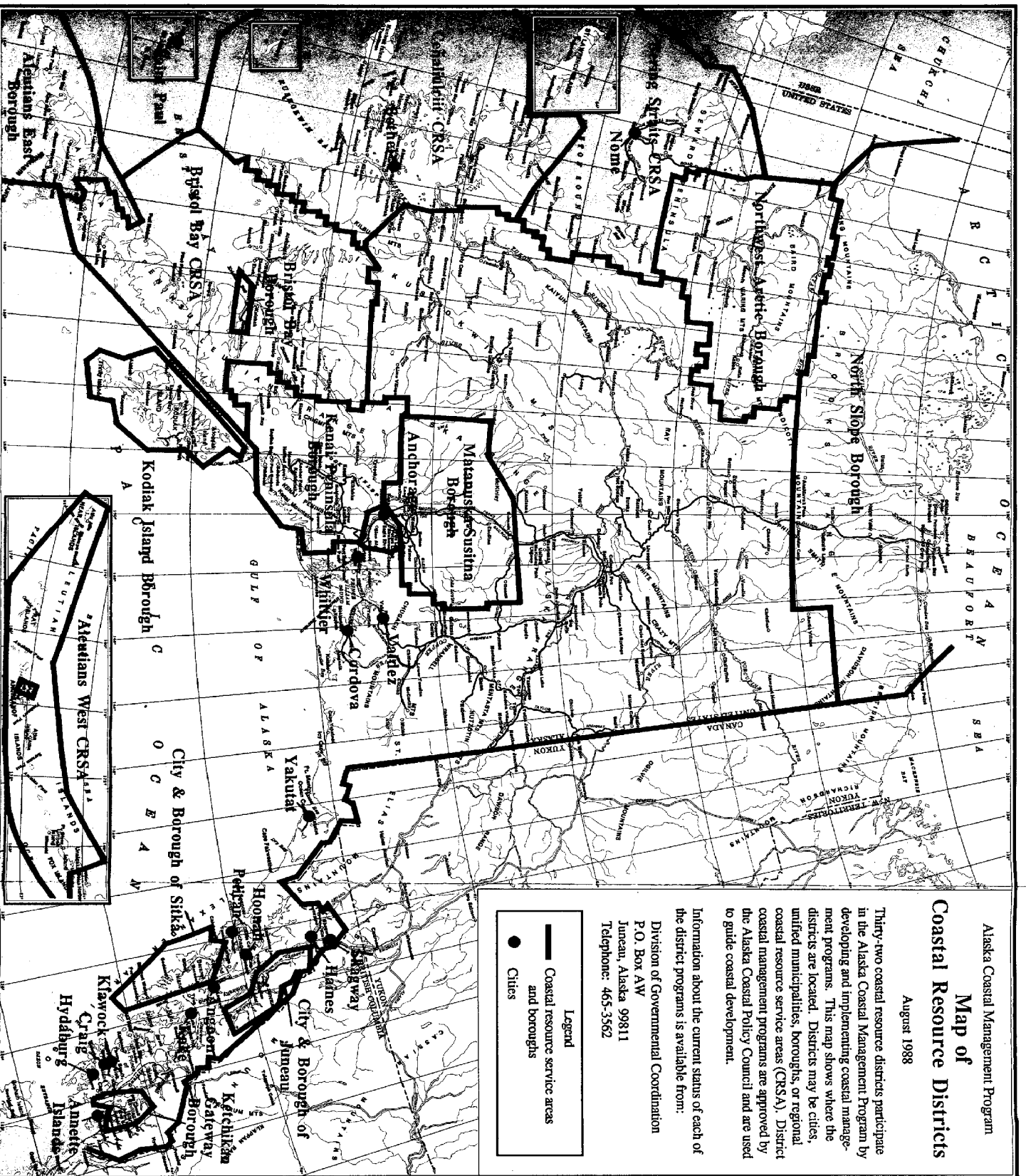
Thirty-two coastal resource districts participate in the Alaska Coastal Management Program by developing and implementing coastal management programs. This map shows where the districts are located. Districts may be cities, unified municipalities, boroughs, or regional coastal resource service areas (CRSA). District coastal management programs are approved by the Alaska Coastal Policy Council and are used to guide coastal development.

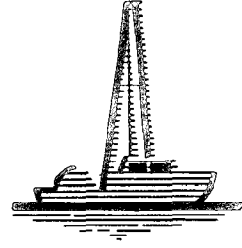
Information about the current status of each of the district programs is available from:

Division of Governmental Coordination
P.O. Box AW
Juneau, Alaska 99811
Telephone: 465-3562

Legend

- Coastal resource service areas and boroughs
- Cities





I — Local Coastal Management Program Policy Implementation

CHAPTER I

LOCAL COASTAL MANAGEMENT PROGRAM IMPLEMENTATION

Introduction

This chapter of the District Implementation Manual discusses local implementation of approved district coastal management programs. Although implementation at the state and federal levels focuses on consistency review of coastal projects, implementation at the local level provides varied opportunities for action. In fact, Alaska's 32 district coordinators reported to researchers of this manual that they use 17 different methods of local implementation. They were:

- Participation in State and Federal Plans
- Cooperative Agreements
- Public Involvement
- General Permits
- Consistency Reviews
- Capital Improvements Programs
- Comprehensive Development Plans
- Local Land Use Plans (including Areas Meriting Special Attention (AMSAs))
- Local Land Use Regulations
 - Zoning
 - Overlay Zoning Districts
 - Special Zoning Districts
 - Conditional Use Permits
 - Site Plan Review
 - Performance Standards
 - Subdivision Regulations
 - Land Use and Building Permits
- Municipal Land Management

This excitingly-varied list reflects the enthusiasm and initiative shown by districts, local officials and district coordinators throughout the state. Of course, not every method is appropriate to each district. Cities and boroughs use established planning, platting, and zoning authorities to implement their coastal policies. In the unorganized borough, there are no local planning and

land use authorities and no local land use regulations. The unorganized borough manages its coastal resources through specially-created organizations, called Coastal Resource Service Areas (CRSAs). These CRSAs inform rural residents of proposed development activities in or near their communities. They invite residents to speak up in state and federal decision-making affecting the district.

WHY READ THIS CHAPTER?

- You, as a district coordinator, can learn about and evaluate local implementation methods appropriate for your district.
- You can find out which district(s) to contact to get details on the most promising implementation methods for your district.

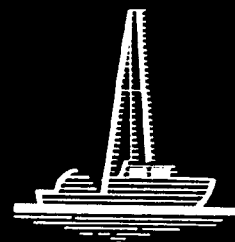
WHAT DOES THIS CHAPTER COVER?

- state regulations on implementation;
- a table listing the implementation techniques and which districts are currently using them;
- a description of the implementation methods;
- advantages and disadvantages of techniques for different types of districts; and
- examples of successful use of implementation techniques from districts throughout Alaska.

IS THIS CHAPTER RELEVANT TO MY DISTRICT?

You face an exciting choice of powerful, proven implementation techniques. However, you'll find that some techniques are not suited to your district. Your staff may not have the time to handle some types of implementation techniques. Also, your district may have political or social constraints that make some techniques impractical. We have outlined the techniques to help you to evaluate what will work for your district.

Discussions with other district coordinators and local officials is also one of the key ways to learn about what really works and how hard or how easy it is to use any of the techniques described in this manual. Use Table I-1 and Appendix B to find out whom to contact. Good luck!



**Implementation
Techniques**

Implementation Techniques

AUTHORITY TO IMPLEMENT COASTAL POLICY

6 AAC 85.100 IMPLEMENTATION. Each district program must include a description of the methods and authority which will be used to implement the district program. Methods and authority must be adequate to insure program implementation, and any additional methods or authority which are required must be specified. Methods and authority include land and water use plans, municipal ordinances and resolutions, (including shoreline, zoning, and subdivision ordinances and building codes), state and federal statutes and regulations, capital improvement programs, the purchase, sale, lease, or exchange of coastal land and water resources, cooperative agreements, tax exemptions for nondevelopment purchase of development rights, memoranda of understanding, and coordinated project or permit review procedures. (Eff. 7/18/78, Reg. 67)

Authority: AS 44.19.161
AS 46.40.030
AS 46.40.040

These regulations authorize districts to implement their coastal management programs. They also provide a menu of techniques. Many of these techniques are currently in use by one or more districts around the state.

SUMMARY OF IMPLEMENTATION TECHNIQUES

The type of implementation technique you can use in your coastal district depends on your form of government. There are currently 32¹ coastal districts in Alaska. These can be classified as two types:

- Districts comprised of incorporated communities or boroughs. These are districts given the authority to regulate development using planning, platting, and land use regulations under Title 29 of the Alaska

¹The Annette Islands Indian Reserve (Metlakatla) is a city organized under federal law. State and federal consistency requirements do not apply to Metlakatla because of its legal status. However, the local consistency requirement is applicable. Metlakatla has the same type of implementation techniques available as districts with incorporated communities.

Statutes. These districts include: unified municipalities; home rule and second-class boroughs; and home rule, first-class, and second-class cities. Districts which are boroughs differ from cities in their implementation techniques. This is because their planning responsibilities often include review of activities inside cities and villages, and their jurisdiction covers a large geographic area.

- CRSAs are districts within the unorganized borough. They tend to be very large geographically, and often very diverse. CRSAs depend on different implementation techniques because they are not a local government. However, their authority often includes review of activities inside cities and villages.

Table I-1 shows the districts classified in these groups. Table I-1 also shows techniques that districts are currently using to implement their approved coastal management programs. This table shows the broadest legal range of techniques available to each district. However, actual conditions in your district may narrow the range of suitable implementation options. For example, the size and expertise of your staff may limit your actions, or you may face political or social constraints that make some techniques impractical. To decide whether a particular implementation technique can work for your coastal management program, follow these steps:

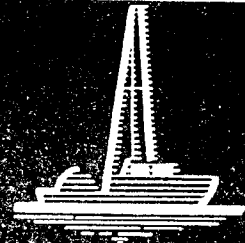
- First, use Table I-1 to identify techniques that are most likely to work for you.
- Second, review the description of the implementation techniques and the examples provided.
- Third, use Table I-1 to find districts that are already using techniques of interest to you.
- Finally, use Appendix B, called "Key Players," to get the names, addresses, and phone numbers for the coastal coordinators of these districts. Contact these coordinators if you would like information based on their experiences using the technique. You can also ask the State of Alaska's Division of Governmental Coordination (DGC) or the Department of Community and Regional Affairs (DCRA) staff for help in identifying and developing implementation tools.
- Ask lots of questions. Shop thoroughly until you find techniques that fit your district's needs and your staff's abilities.

Table I-1
Techniques In Use by Coastal Districts to Implement
Approved Coastal Management Programs¹

DISTRICT	Participation in State and Federal Plans	Cooperative Agreements	Public Involvement	General Permits	Consistency Reviews	Capital Improvements Program	Comprehensive Development Plans	Other Local Land Use Plans	AMSAs	Local Land Use Regulations	Zoning	Overlay Zoning	Special Zoning Districts	Conditional Use Permits	Performance Standards	Site Plan Review	Subdivision Regulations	Land Use Permits	Building Permits	Municipal Land Management
DISTRICTS IN INCORPORATED COMMUNITIES																				
<u>Unified Municipalities</u>																				
Anchorage	•	•	•	•	•	•	•	•	•	•	•		•	•		•	•	•	•	•
Juneau	•		•		•	•	•		•	•	•		•	•	•	•	•	•	•	•
Sitka	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•		•	•
<u>Home Rule Boroughs</u>																				
North Slope	•	•	•	•	•	•	•			•	•		•	•		•	•	•	•	•
Northwest Arctic ²	•	•	•	•	•															•
<u>Second Class Boroughs</u>																				
Aleutians East ²	•		•		•															•
Bristol Bay	•		•	•	•	•	•				•	•	•				•		•	•
Ketchikan Gateway	•	•	•		•	•	•										•		•	•
Kodiak Island	•		•		•		•	•			•			•		•	•	•	•	•
Matanuska-Susitna	•	•	•	•	•	•		•		•	•	•	•	•	•	•	•	•		•
<u>Home Rule Cities</u>																				
Cordova	•		•		•	•	•		•		•	•		•		•	•		•	•
Valdez	•		•		•	•		•			•			•		•	•	•	•	•
<u>First Class Cities</u>																				
Craig	•		•		•		•				•	•	•	•		•	•	•	•	
Haines			•		•	•	•		•	•	•		•	•	•	•	•	•	•	•
Hoonah	•		•	•	•	•				•	•		•		•	•	•	•	•	•
Hydaburg	•	•	•	•	•	•	•		•					•	•	•		•		•
Kake			•		•		•			•										
Nome	•	•	•	•	•	•	•			•			•			•		•	•	•
Pelican	•		•		•	•	•	•			•	•	•	•		•		•	•	•
Skagway	•	•	•	•	•	•		•		•	•		•	•		•	•		•	•
Yakutat	•				•	•	•				•			•				•		•
<u>Second Class Cities</u>																				
Bethel		•	•	•	•	•	•			•	•	•	•			•	•	•	•	•
COASTAL RESOURCE SERVICE AREAS																				
Bering Straits	•	•			•															
Bristol Bay	•	•	•		•															
Ceñaliurrit (Yukon-Kuskokwim)	•		•		•															

1. As identified by telephone surveys - March and August, 1988.

2. CRSA recently incorporated as a borough; planning and zoning regulations under development.



**Choosing the Best
Implementation Techniques
for Your District**

Choosing the Best Implementation Techniques for Your District

This chapter discusses seventeen implementation techniques in detail. Each explanation includes these points:

- How is this technique implemented? What steps are involved?
- What districts can use this implementation technique—CRSAs, cities, or boroughs? Which classes of incorporated municipalities?
- Who within the local government chooses and administers the implementation technique—staff, planning commission, council, or assembly?
- What are the overall advantages and disadvantages of this technique?

In addition to these explanations, this manual provides real life examples of the techniques in action, furnished by district coordinators. These examples have been included at the end of Chapter I. The cover page for each example summarizes what the example illustrates.

PARTICIPATION IN STATE AND FEDERAL PLANS

All districts have the opportunity to participate in the planning of projects that affect state and federal lands. You can become a member of the planning team which actually develops state or federal plans. You may join the official planning committee, or you may instead join a task force that serves the committee by reviewing background information and established goals and policies. You may also help to fund the plan. Your early involvement in the state and federal planning process helps to assure that an area is developed or protected in keeping with your district CMP's goals and policies. Participating in state and federal planning is especially effective for CRSAs where much of the land within a district is publicly owned.

What districts can participate in state and federal plans?

- All districts.

Who adopts this technique?

- State and federal laws require state and federal agencies to solicit local participation in land use planning.

Who implements this technique?

- The state or federal agency with jurisdiction over the land whose "future" is being planned.
- Your district may initiate its involvement without being formally invited.

What steps do I take to participate in state and federal plans?

- Make sure that state and federal agencies automatically notify you when they begin planning.
- Request to join the state or federal planning team.
- Review and comment on all public review drafts of state and federal plans.
 - Learn more about the lands and projects involved before you prepare your district's comments. You may be negotiating with officials who believe they know these lands like their own backyards, so ask lots of questions, especially of your CRSA board, assembly, or council members.
 - When you present your district's comments, emphasize which points are priorities.
- Attend public hearings and encourage district residents to attend.

Overall advantages of participating in state and federal plans?

- State and federal agencies have resource information that is invaluable to districts.

- Negotiating head-to-head in the early stages of planning is far more effective for your district than handing in comments on a plan draft later on. As soon as the first draft is printed, people may begin to regard it as authoritative because of all the effort that went into it. So speak up before the first draft.
- Participating in state and federal planning is especially important in districts with lots of public land.
- Your active participation demonstrates to other agencies your district's serious commitment to managing your coastal resources.

Overall disadvantages of participating in state and federal plans?

- State and federal planning is often complex and time-consuming. It not only may take a lot of your time, it may take a long time in happening.
- Cost: staff time and travel to meetings.
- Final authority will rest with the state or federal agency, so sometimes your best efforts to boost your district's interests may produce smaller results than you had hoped.

For instance...

District coordinators for the Northwest Arctic and North Slope Boroughs and Bering Straits CRSA belong to the planning team for the Northwest Area Plan. The Northwest Area Plan was initiated by the Alaska Department of Natural Resources (DNR) to manage state-owned lands in the Northwest Arctic and North Slope Boroughs and the Bering Straits CRSA. A second example of a district participating in a management plan is Bristol Bay CRSA co-sponsorship (with DNR) of the Nushagak and Mulchatna Rivers Recreation Management Plan (see Example 3). Also, the City and Borough of Sitka worked with the State of Alaska Department of Fish and Game (DFG) to research and develop the district's Resource Inventory and Resource Analysis. On an on-going basis, the Sitka district also reviews all development proposals governed by the Tongass National Forest Land Management Plan (see Example 1).

COOPERATIVE AGREEMENTS

Cooperative agreements are written agreements between districts and any of the following:

- villages;
- cities;
- boroughs;
- Native corporations;
- state and federal agencies;
- other districts; and
- other entities.

Districts may find that they have direct control over only part of the coastal area which affects them. The rest of the area may be managed by a state or federal agency, another coastal district, a village, a Native corporation, or some other organization. If both or all parties agree that they would profit from working together in managing areas or resources of mutual interest, they may wish to draft a cooperative agreement.

What districts can use cooperative agreements?

- All districts.

Who adopts this technique?

- The CRSA board, the city council, or municipal or borough assembly.

Who implements this technique?

- The agreement is administered by one or all of the parties involved. A cooperative agreement is not a legal contract but rather a statement of intent to cooperate, leaving either party free to withdraw. The agreement should spell out the responsibilities of each party, expected results, and financial obligations, if any.

What steps are involved to implement cooperative agreements?

- The steps involved are as varied as the types of agreements possible! To minimize confusion among parties, specify in your written agreement:
 - how money is to be spent;
 - who will do what when;
 - who has ultimate authority to make what decisions;
 - how long the agreement will last;
 - how it can be terminated before it expires;
 - qualifications to the agreement (specifically-stated items or tasks the agreement does not cover); and
 - the effective (or beginning) date of the agreement.
- Negotiate with individuals who actually have the authority to make decisions for their agency right from the beginning. Otherwise, you may lose the delicate compromises you have fashioned when the agreement gets passed along to someone higher in command.

Overall advantages of cooperative agreements?

- You can tailor a cooperative agreement to fit the needs of each situation and the players involved.
- A cooperative agreement can extend the district's efforts in innovative directions (such as planning of state lands, or shared responsibility for enforcement of state or federally issued permits).

Overall disadvantages of cooperative agreements?

- Developing an agreement can take a long time and be highly dependent on personnel memory. As staff changes, new personnel may be unaware of the agreement or its verbally-honed details.

For instance...

Several districts within Alaska have agreements with Native corporations or neighboring districts. For example, the Aleutians East Borough and Bristol

Bay Coastal Resource Service Area are considering entering into an agreement about their common boundary. The Sitnasuak Native Corporation and the Bering Straits Coastal Resource Service Area have an agreement concerning the corporation's review of proposed projects in the CRSA (see Example 2).

The Bristol Bay CRSA has a cooperative agreement with DFG and DNR to complete a recreation management plan for the Nushagak and Mulchatna Rivers, which the district identifies in their CMP as an Area Which Merits Special Attention (AMSA). CRSA staff started the plan to address use conflicts on these two important recreationally-used rivers. The CRSA is now part of a larger planning team and is responsible for involving the public, mapping and compiling together information, and other tasks. In addition to defining which agencies have what responsibilities, the cooperative agreement outlines a spending plan for legislative funds and a process to develop the plan. A portion of the cooperative agreement is presented in Example 3.

Another example of a cooperative agreement is state or federal delegation of enforcement authority to a district. The State of Alaska Department of Environmental Conservation (DEC) is the only state agency with the ability to delegate enforcement authority for permits they have issued to local governments. The United States Army Corps of Engineers (COE) has expressed interest in doing the same.

PUBLIC INVOLVEMENT

Public involvement means educating local people about development that could affect their coastline and encouraging them to participate in decisions about coastal management. It also means increasing the public's awareness about the importance of the coast as a resource, a livelihood, or a way of life. All coastal districts play an important role in educating and informing the public.

What districts can use public involvement?

- All districts.

Who adopts this technique?

- Public outreach is not a legal procedure, so it doesn't require adoption or review—it's all up to you.

Who implements public involvement?

- The district coordinator initiates public involvement with cooperation from local government, the CRSA board, and any citizens' groups interested in coastal resources.

What steps are involved to implement public involvement?

- Writing, printing, and distributing brochures, newsletters, and notices;
- Producing slide shows or radio shows;
- School programs;
- Local visitors center (as part of municipal, state, federal, or private tourism efforts);
- Organizing meetings and teleconferences with community leaders, special interest groups, and the general public to show them that they are all front-line players in protecting coastal resources;
- Using your own creativity and energy to discover new ways to excite local people about the vitality of their coastal areas, and their responsibility to take care of them.

Overall advantages of public involvement?

- Every individual who understands and cares about coastal resources lends you an extra set of eyes to watch for problems, and an extra set of hands to prevent or repair damage. Your "staff" can include every supporter of coastal resources, from small children who pick litter off the beach to the president of a petroleum company who redesigns a facility to meet your concerns.

- Open debate of controversial issues gives everyone a chance to be heard and may soften hard feelings in the community.
- People are much more accepting of regulations when they understand the reasons and believe in the cause.
- Our democratic system of government reflects the will of the people only when the people get involved.
- It conveys public support of your district's program to state legislators. It is important to gain their support for maintaining the ACMP.

Overall disadvantages of public involvement?

- Public meetings and teleconferences require staff time to organize and public speaking skills to conduct.
- To develop exciting, informative, educational materials you need staff experienced in public relations or close cooperation with outside professionals.
- Involving more people with more competing ideas and demands may lengthen the time it takes to reach a district consensus.
- As you become responsive to the public, you trade away the power to negotiate and act independently. You may, at times, be forced to balance the local will against your own opinions or ways of doing things. You may also have to explain diplomatically to your community why they must live with unpopular state and federal policies, without losing their trust and support that you have carefully built up.

For instance...

Brochures and newsletters are the most common means of involving the public. The Ceñaliulriit (Yukon-Kuskokwim) CRSA has published a brochure (included as Example 4) which highlights:

- the area included in the district;

- the district's history;
- the district's purposes; and
- ways the district has helped villages.

The Ceñaliulriit brochure also includes a map of the district's three coastal management subdistricts. It is written using "we" and "they," which encourages the reader to automatically feel a part of the district. The map and four photos take up more space than the text and give an impression of quick and easy reading. Its audience is specific: the 43 villages in the Calista region. Its message is also specific and clearly stated: "We are here to protect your village way of life... and are here to help."

For another example of public involvement techniques, look at Ceñaliulriit's newsletter (included as Example 5). It is bilingual and presents a salmon enhancement project which the district is supporting. Whittier's first newsletter is included as Example 6. It explains what coastal management is all about, the key players in the district's CMP development process, and a short survey.

The Bristol Bay CRSA developed a user guide which is distributed to applicants and the general public. It includes information about the CRSA, the coastal consistency review process, and a map of the district's boundaries (see Example 7). The Bering Straits CRSA also produced a user guide. The City of Craig has published a very readable planning commission manual (see Example 8). It explains the land use terms and procedures a planning commission, council assembly, or members of the public are likely to encounter.

Meetings, teleconferences, and slide shows are other ways to inform and involve the public.

GENERAL PERMITS

The COE can issue general permits to a district. This allows the district to regulate certain activities on wetlands or in navigable waterways. These permits are issued under Section 10 of the River and Harbor Act of 1899 for fill or structures placed in navigable waters, and under Section 404 of the

Clean Water Act for placement of fill into wetlands. After the COE issues the permit, the district administers the permit by keeping track of and regulating all the uses allowed. The COE continues to review all uses the general permit does not include.

What districts can use general permits?

- All districts.

Who adopts this technique?

- The COE grants the general permit to the CRSA, city, or borough. A person authorized by the city or borough must sign the permit before it becomes valid.

Who implements this technique?

- Once the COE grants the permit to the district, the staff review the allowable activities. The staff usually develop a new application form to be submitted by applicants. When staff review the application, they make sure it is for a use allowed by the general permit. They also may attach stipulations affecting the location, type, timing, and placement of the fill, as well as mitigation actions required by the applicant.
- Even though the COE issues a general permit to the district, it retains the authority to monitor and enforce all activities the district authorizes under the permit.

What steps are involved to implement general permits?

- To get a general permit, the district submits a detailed proposal to the Special Actions Section of the COE. The district's proposal should contain:
 - a description of the area to be covered under the permit;
 - types of activities to occur in the area;
 - proposed standard conditions; and
 - the role the district would play in administering the permit.

Overall advantages of general permits?

- Reduces the district's responsibilities from approval to only local administration of applications for placement of fill or structures in navigable waters or placement of fill in wetlands.
- Allows the district to guide the location and type of development in certain areas.
- Eliminates the COE's requirements for individual permit evaluation of certain activities. This streamlines the permitting process for the applicant and allows the district to stipulate conditions and mitigation for a general class of activities.

Overall disadvantages of general permits?

- Obtaining and administering the general permit may require greater expense and more staff time, expertise, and involvement.
- Districts may have less control over the approval and operation of certain types of activities in certain areas.
- Applicants may be surprised and disappointed to find that only certain and not all potential activities are allowed under the district's general permit.

For instance...

The North Slope Borough has a general permit for placement of fill, as do Bethel, Sitka, the Bristol Bay Borough, and the Northwest Arctic Borough. The North Slope Borough's general permit covers the placement of fill for housing, commercial, and public facilities within eight villages in the Borough. Outside these villages, the general permit allows fill only for housing and access. The general permit has specific conditions an applicant must follow regarding:

- maximum road dimensions;
- maximum pad dimensions;
- installation of culverts to maintain natural drainage patterns;
- no fill placement in streams;

- maximum side slopes; and
- setbacks from high tide or high water marks.

The North Slope Borough permit also lists reporting and monitoring requirements:

- The Borough administers and monitors all authorized activities.
- Applicants must provide certain information to the Borough in their application.
- The Borough must specifically give an applicant an authorization to begin the work before the applicant can begin.
- The COE must approve proposed work which is similar but not specifically the same as activities allowed under the general permit.
- The Borough must send reports to the COE.
- The COE will implement on-site inspection and monitoring with the assistance of other federal, state, and local agencies.

Example 9 is a complete copy of the North Slope Borough general permit. Example 10 is a description of Sitka's three general permits.

CONSISTENCY REVIEWS

All coastal districts can (and must!) review proposals for development within the coastal zone. This includes review of projects that require a permit or other approval from a local, state, or federal entity. If a project requires only local approval, the district will conduct the review, and make a final consistency recommendation. If a project requires state and/or federal approval, a state agency will coordinate the review, with the district's participation. You, as a coastal coordinator, receive and route consistency reviews to the appropriate people in your district. Consistency reviews can be done by staff, planning boards and commissions, city councils or assemblies, village councils, and CRSA boards. Some coastal districts assign consistency review to just the planning staff, while other districts invite planning commissions, city councils, and CRSA boards to participate. The size of the review panel is usually

flexible; larger projects are reviewed by more people while smaller projects are kept at the staff level.

Example 11 is a checklist of the various municipal departments in Anchorage which participate in the consistency review, depending on the project. Example 12 is an ordinance adopted by the City of Hyaburg which indicates that all development must be consistent with the CMP and specifically reflects the use of a consistency review checklist. This checklist allows the district coordinator to verify that a project has been reviewed with full consideration of district policies and can comply. Example 13 includes the consistency review checklists found in the Juneau CMP. Both a short-form review checklist and a detailed checklist have been developed.

The consistency review is an important implementation technique. It alerts districts, villages, Native associations, and community members of all activities on or affecting their coastal lands, and provides each group the opportunity to voice concerns about proposed development. Chapter II provides a detailed explanation of opportunities for district involvement in the state and federal consistency review processes.

CAPITAL IMPROVEMENTS PROGRAM

A Capital Improvements Program (CIP) is a multi-year development plan for public improvement projects, typically funded by local revenues. Capital Improvements Programs often include sewer and water projects, schools, boat harbors, landfills, and other public projects. CIPs can influence the timing, location, and density of future development. The CIP process involves setting priorities for public projects, funding them, and scheduling construction. Implementation of a district's coastal policies can be coordinated with the CIP process so that growth is directed away from sensitive coastal areas or directed to allow the highest and best use of waterfronts.

What districts can use a Capital Improvements Program?

- All cities and boroughs.
- CRSA boards could develop a CIP "wish list" for state and federal agencies to fund (i.e. water and sewer systems, recreational improvements, docks and harbors, etc.). The CRSA board could also make recommendations to the CIP of a city within its district.

Who adopts this technique?

- The locally elected governing body (in other words, the council or assembly) in cities and boroughs.
- The CRSA board.

Who implements this technique?

- The staff or district coordinators draft the CIP, but many people can and should make recommendations on projects:
 - appointed boards and commissions;
 - special interest groups; and
 - individual residents or neighborhoods.
- The elected governing body or CRSA board adopts the CIP.

What steps are involved to implement a Capital Improvements Program?

- It may be helpful to contact other districts to see how they have tied their CMP to the CIP process.
- All local governments make physical improvements to their roads, buildings, utilities, etc. The CIP is a more organized approach. If local governments in your district already use the CIP technique, your role is to present their planning staff with your district's concerns and priorities for projects that affect coastal resources.
- If local governments do not use the CIP technique, you can promote the idea.

Overall advantages of a Capital Improvements Program?

- Capital improvements are constructed in an organized way. Priorities are set for several years, according to: the public's need for services; the need to protect resources; the availability of funds; and other factors.

- The influence of your coastal policy on the CIP can be highly visible, tangible, and lasting. Your policies can influence the timing, design and location of large-scale, long-lived physical structures.
- The residents of your district will know what capital improvements will be constructed now and in the near future.
- Your district will have advance notice to revise its CMP, so it can keep pace with new needs created by scheduled improvements.
- Public support for projects, as shown during development of the CIP, may convince state or federal agencies to grant funding.

Overall disadvantages of a Capital Improvements Program?

- Local government staff may feel threatened or weakened by allowing outside agencies and the public to participate in capital improvement scheduling.
- The shared decision-making process takes more time.

For instance...

Your community could influence the location and timing of a industrial park through the CIP process. The CIP could call for public extension of water, sewer, and roads to and within a shore area to attract the desired industries. Fish processors, cargo handlers, and other companies would locate in the industrial park because it would conveniently serve their needs. In this case, a district could implement a policy to give highest priority to uses which need direct access to coastal waters.

COMPREHENSIVE DEVELOPMENT PLANS

Comprehensive development plans (CDPs) are used by cities and boroughs with planning powers. A comprehensive development plan sets forth community-wide goals for growth, development, and preservation of public

and private lands. It also states objectives and policies to meet those goals. CDPs are based on a thorough analysis of the social, economic, cultural, and environmental characteristics of a community. A CDP can incorporate the district's coastal management plan or policies.

What districts can use Comprehensive Development Plans?

- All cities and boroughs with planning powers.

Who adopts them?

- Developed by staff, citizens, and the planning and zoning commission;
- Recommended by the planning and zoning commission; and
- Adopted by the locally elected body (council or assembly).

Who implements Comprehensive Development Plans?

- Zoning or other types of land use regulations are usually adopted to implement the CDP. The CDP provides the policy framework and reasoning behind the regulations.
- Once the regulations are adopted, staff and/or the planning and zoning commission implement them. This depends on who is given implementation authority by the regulations.

What steps are involved to implement CDPs?

The governing body of the municipality (i.e. council or assembly) adopts the comprehensive development plan. The local planning commission often does much of the detail work in developing a comprehensive development plan. The commission usually makes recommendations to the local governing body regarding plan adoption and modification. Staff administer the plan once it is adopted. Often, the staff provide preliminary research, goals, and policies for local officials as a basis for discussion. It is helpful if staff have previous experience in developing and administering comprehensive devel-

opment plans, as well as a comfortable feeling about working with local officials and the public to reach agreement on issues and solutions. Once adopted, the plan can be implemented by every local implementation method discussed in this chapter.

Overall advantages of comprehensive development plans?

- They provide a comprehensive overview of coastal and other land area management.
- The courts see them as a necessary legal framework for zoning and other specific land use regulations.

Overall disadvantages of CDPs?

- They take a long time to develop and finalize.
- If you incorporate your coastal management program into a CDP, a change in the CMP may require taking your CDP through a lengthy amendment process.

For instance...

The City of Craig provides an example of using a CDP to implement CMP policies. The Craig Coastal Management Program designates North and South Coves as boat harbors. To support the coastal management program designation, the City's comprehensive plan encourages the location of marine support facilities such as grids, boat repair shops, drydock, and storage areas adjacent to the harbors. To implement the comprehensive plan, these areas are zoned "Marine Industrial/Support Commercial" to permit the location of the desired support facilities in proximity to the harbors.

OTHER LOCAL LAND USE PLANS (Including AMSAs)

Local land use plans have the same purpose and function as comprehensive development plans. Local land use plans are, however, more specific. Many

types of local land use plans can be developed and used by incorporated cities and boroughs and CRSAs, including water use plans, wetlands plans, and Areas Meriting Special Attention (AMSAs). Local land use plans concentrate on specific community characteristics, such as social, economic, or environmental conditions.

What districts can use local land use plans and AMSAs?

- All cities and boroughs.
- CRSAs can use AMSA plans.

Who adopts local land use plans?

- Developed by staff, citizens, and the planning and zoning commission.
- Recommended by the planning and zoning commission.
- Adopted by the locally elected body (council or assembly).
- CRSA boards adopt AMSA plans.

Who implements this technique?

- Staff review projects, rezones, permit applications, and other land use proposals.
- Planning and zoning and other land use commissions review projects, rezones, permits, or other land use proposals.
- City councils or borough assemblies approve or deny any project, rezone, or other land use proposal.

What steps are involved to implement local land use plans?

- Inventory natural features or areas being regulated by the proposed plan.

- Develop a system of classifications to regulate the features or area's development.
- Prepare the plan.
- Involve the public and agencies in the review of the plan.

Overall advantages of local land use plans?

- Allows greater focus on, and public scrutiny of, development affecting important natural features and/or areas.
- AMSAs allow districts to develop plans for and review projects affecting areas outside their boundaries.
- Because it requires resource agency and district consensus to develop and adopt the plan, reviewers of subsequently proposed projects may be more likely, initially, to be in agreement with them.

Overall disadvantages of local land use plans?

- Requires substantial staff or consultant time.
- Is sometimes difficult to obtain public consensus because of public sensitivity toward the natural feature or area being proposed for regulation.

For instance...

The Municipality of Anchorage has developed and adopted a wetlands management plan as part of its coastal management program. The wetlands plan designates various wetlands for either preservation (very limited types of development only), conservation (development allowable under certain conditions), or developable (development is allowed). The district coordinator classifies the wetlands on the basis of their location, size, habitat importance, and function in preserving water quality.

Because of its wetlands plan, the Municipality of Anchorage was able to obtain general permit authority from the COE. This delegated authority

allows the Municipality to issue permits for activities in developable wetlands without COE involvement in the review, which greatly reduces the time necessary to process permits for developable wetlands.

The Cordova coastal management program incorporated an AMSA into its program. The AMSA includes Eyak Lake, the city's source of drinking water, and lands and waters both within and outside city limits. The city prepared the AMSA plan primarily to protect the lake's water quality. See Example 14 for the Cordova ordinance establishing an AMSA.

LOCAL LAND USE REGULATIONS

Zoning and subdivision ordinances are the most common form of local land use regulation. Incorporated cities and boroughs have the authority to use land use ordinances as implementation tools under Title 29. The city or borough staff, planning and zoning commissions, and city council or assembly participate in the zoning process. This process includes development, adoption, administration, and enforcement of land use regulations. You can ensure that local zoning benefits coastal resources in your district by proposing ordinances that draw upon the policies of your CMP.

One advantage of using land use ordinances for implementation is that they give the district legally-binding powers to oversee development. However, the local government may require additional staff to write, administer, and enforce ordinances. Staff must also be able to communicate their regulatory review effectively to coastal policy decision-makers. Example 15 from the Kodiak Island Borough is a concise reporting format used to summarize a project for planning commission members. Land use ordinances can also require in-house coordination in districts with separate planning, building, and enforcement departments. Apart from their administrative aspects, land use ordinances are an important way for residents to get involved in and have control over land use.

The Kodiak Island Borough has recognized the importance of public involvement in implementing local land use regulations. It has published a short brochure which tells how the public can become involved in each step of the development review process (see Example 16).

In Hydaburg, the City Council has adopted its CMP enforceable policies as

the primary land use regulations for development. Example 17 is the ordinance which requires all development be consistent with the policies.

ZONING

Most cities and boroughs regulate land use according to geographic zones. Zoning is one of the most powerful tools a community can use to direct the type, location, and intensity of land use. The purposes of zoning include:

- matching types of development to the most suitable locations;
- protecting public health, safety, and welfare; and
- stimulating systematic development of transportation, sewer, water, school, park, and other public facilities.

Zoning divides the community into districts in which only certain types of land uses are allowed. Zoning districts are usually drawn up based on the community's comprehensive development plan. In each zoning district, some uses are allowed by right, other uses are allowed if they meet certain conditions, and still other uses are prohibited. Zoning districts may also require building setbacks, limits on buildings' height and size, lot coverage, landscaping, and other design guidelines.

What districts can use zoning?

- Unified municipalities.
- Second-class boroughs.
- Home-rule cities.
- First-class cities.
- Second-class cities.

Who adopts zoning?

- Staff and the planning and zoning commission recommend and draft zoning districts and ordinance language.

- The public reviews proposed zoning at a public hearing.
- The assembly or council adopts the zoning ordinance.

Who implements zoning?

- Small communities without planning departments may use a city manager, city clerk, or a public works director to administer an ordinance. Administration is an on-going responsibility.
- Larger communities generally have planning staff, and sometimes separate enforcement staff, who administer ordinances.

What steps are involved to implement zoning?

- Talk with other districts about what makes the use of zoning techniques successful for them. Get copies of their ordinances.
- Decide what your district's staff can handle. To administer zoning, your staff will need to review applications from developers. To enforce zoning, your staff will have to go out into the community and negotiate with individuals who are violating the zoning regulations. If the violators won't cooperate, your staff may have to pursue legal action. Before you include zoning as part of your coastal policies, you should assess the ability of your staff to administer and enforce zoning.
- Look at your district's political attitude toward development and decide which types of uses and restrictions are in line with that attitude.
- Look at your CMP and map out where certain uses are encouraged and where they are not allowed. This could be a good basis for the zone boundaries. Your CMP will also help you to determine the list of uses allowed without review, with review, and not at all in each zone.
- When you draft the conditions for development in each zone (such as building height or lot coverage), consult your CMP for guidance. Use the list of conditions that are placed on projects during the consistency review process to suggest conditions for zoning permits.

Overall advantages of zoning?

- A zoning district can protect or maintain the character of a specific area. For example, zoning can help to reserve waterfront locations for water-dependent and water-related activities.
- Zoning can protect areas designated in the coastal management program as critical habitat by limiting development in these areas.
- Zoning variances require public hearings, guaranteeing that residents have a chance to speak out when anyone requests a non-compatible use.
- Zoning encourages efficient use of land and resources by concentrating uses in the most suitable areas.
- By making growth patterns more predictable, zoning facilitates the development of infrastructure (roads, sewers, etc.) and gives residents a preview of the changes to prepare for in their neighborhoods.

Overall disadvantages of zoning?

- The regulations for each zoning district usually include a list of permitted, conditional, and prohibited uses. Problems arise when a proposed use is not included on any of the lists. Although staff use their best judgment to interpret whether the proposed use is allowable, the applicant may have a different interpretation. The resulting disagreement is often difficult to resolve amicably.
- The zoning board may defeat the purpose of zoning if it grants variances for illegitimate reasons (such as convenience, profit, or "as a favor"). The attitude of the zoning board may be a political matter that you may be able to influence by arousing public support for zoning that protects and promotes balanced management of coastal resources.
- Some people regard zoning as an infringement of their property rights. Again, your efforts to excite people about the importance of coastal management may win public support for zoning.

For instance...

The City of Valdez's coastal management program identifies "Conservation Areas" and advises only low impact uses in these areas. The City Council of Valdez amended the Valdez Zoning Code to adopt this policy. A sample of Valdez's ordinance is provided as Example 18.

The Kodiak Island Borough implements its coastal management program (in part) through of a "zoning compliance permit." The "zoning compliance permit" is a checklist that Borough staff use to cross-check a permit application for compliance with Kodiak's coastal management program. Example 19 shows the Borough's permit.

Other land use regulations that can locally implement coastal management plans are described below.

OVERLAY ZONES

Overlay zones are a type of zoning that applies additional regulations on top of an existing zoning district. The overlay district further protects or enhances areas which are already within a land use district.

What districts can use overlay zoning?

- The same districts that can use other types of zoning.

Who adopts overlay zoning?

- Same as for other types of zoning.

Who implements this technique?

- Same as for other types of zoning.
- Special interest commissions may also be appointed to review the uses proposed in the overlay district. For example, a historical

commission might oversee development in a historical district, or soils experts might oversee development in an earthquake hazard zone.

What steps are involved to implement overlay zoning?

- Inventory areas of the district that have unique characteristics to be preserved or special physical hazards that will affect the design of any development.
- Write the ordinance establishing the overlay district so that it encourages project design which preserves special characteristics of the district or avoids the hazards, as the case may be.
- Decide who should review the project design to make sure it meets the overlay district's intent.

Overall advantages of overlay zoning?

- Overlay districts are a good way to handle your district's special conditions, as long as these conditions (historic buildings, wetlands, estuaries, high avalanche or earthquake hazard areas) are located in a specific geographical area.
- Overlay districts let prospective developers know, at the beginning of their decision-making, that these conditions are important.

Overall disadvantages of overlay zoning?

- Requires staff and/or special interest commissions to review the uses.
- Public must agree that the characteristics regulated by the overlay districts are important and should be more closely regulated than other characteristics.

For instance...

The City of Barrow created an overlay district as part of its zoning ordinance to enhance and preserve the historic and cultural values of particular areas (see

Example 20). The overlay district allows most uses that were allowed in the underlying district, as long as they meet the additional standards of the overlay district. For Barrow, these additional standards include review of the proposal by the Commission on History and Culture to assure that historic and cultural values are preserved.

The City of Craig uses two overlay zones to implement its coastal management program (see Examples 21 and 22). A "Special Considerations" overlay applies to areas which are environmentally sensitive, have slopes greater than 25 percent, or are within a landslide area. This overlay includes the hillside above the City of Craig and important habitat in Crab Bay. It provides additional protection for environmentally sensitive areas by regulating development in these areas and in adjacent areas. The "Limited Marine Industrial" overlay ensures that marine uses will be as compatible as possible with residential uses in the vicinity.

The City of Cordova has adopted a coastal zone overlay district. Development in all areas within the overlay district is required to conform to the CMP's policies. The overlay district is divided into several management districts. Each management district has a separate set of permitted uses (see Example 23).

SPECIAL ZONING DISTRICTS

The intent of the special zoning districts and overlay districts is very similar. Communities can establish special zoning districts to protect human life and property and to maintain environmental and cultural values. Special zones might encompass floodplain, shoreline, wetlands, agricultural areas, hillside, erosion or other hazards, or historic features. Special zoning districts can require additional setbacks and construction techniques (e.g., floodproofing) and can limit uses to those which maintain the goals and policies of the district coastal management program. Unlike overlay districts which complement other zoning, these special districts are usually the only zoning applying to a specific geographical area of your district.

What districts can use special zoning districts?

- The same districts that can use other forms of zoning.

Who adopts special zoning districts?

- This process is the same as adopting more typical zoning districts.
- Because of the sensitive nature of the areas which these zones are to protect, there may be more controversy in your district about their protection. This is especially true if these areas are privately owned. It is very helpful to involve the property owners most affected by these regulations early in the development and adoption process.

Who implements special zoning districts?

- The same as other zoning districts.

What steps are involved to implement special zoning districts?

- Review your CMP's inventory of important natural resource areas.
- Identify those resource areas that are of the highest priority and that would benefit from being protected by a special zoning district.
- Contact other district coordinators who use zoning districts which protect the same types of natural resource areas. Ask for copies of their ordinances, as well as for their advice on what to do and, especially, what not to do!
- Think about which natural resource areas the people in your district would most agree to protect and regulate.
- Focus on areas which are most critical, but also try to choose areas which there is likely to be public agreement that a special district is necessary. This will help you build public support for the passage of the ordinance adopting the special district and, perhaps, for future special district ordinances.

Overall advantages of special zoning districts?

- Public attention is focused on the natural resource areas protected by a special zoning district.

- The natural resources in the area are more likely to be protected.
- Developers and others interested in proposing a project within a special zoning district know, from the beginning, of the additional review their project will encounter.

Overall disadvantages of a special zoning district?

- It involves an additional layer of regulations.
- If a proposed special zoning district includes private lands, the affected property owners may not want the district to be adopted.

For instance...

A special floodplain district could limit filling or alteration of the natural stream course. These activities would be allowed only on the conditions that the development does not interfere with the natural flow and drainage pattern of the area, nor reduce flood storage capacity. Other regulations could include:

- setbacks from the stream, river, or shoreline;
- limiting the removal of vegetation from the flood plain;
- floodproofing of buildings;
- elevating buildings so that the floors are above flood levels; and
- limiting the storage of hazardous materials.

Special zoning districts can prevent hazards to human life and property and maintain open space, water quality, and wildlife habitat. The local government must justify its special zoning requirements using information presented in the comprehensive plan, CMP, and other sound data. This will reassure owners that the use of private property has not been limited without solid reasons or without the property owners' input.

CONDITIONAL USE PERMITS

The Conditional Use Permit (CUP) allows flexibility in zoning. A conditional use is an activity that is not automatically allowed in a zoning district. City officials may allow the use, upon review, after placing restrictions or conditions on the use. If the use is approved with restrictions, it is given a CUP.

The procedure for reviewing and approving an activity that requires a CUP varies according to local ordinances. The planning staff, the planning commission, or the city council may review CUP applications. In considering a conditional use application, the commission or council listens to testimony from all interested parties, and then decides whether the use should be allowed based on established criteria. The conditions, or restrictions, imposed by a CUP might include restricted access or limited hours of operations. The CUP can also impose other limitations that will make the use more compatible with existing resources in the area, satisfy the desires of the community, or be consistent with your CMP.

What districts can use conditional use permits?

- Same as those who can use other aspects of zoning.

Who adopts this technique?

- Same as those who adopt other aspects of zoning.

Who implements this technique?

- The ordinance should specify who reviews and approves conditional uses.
- Most often, conditional uses are reviewed and approved by staff or appointed commissions (such as your planning and zoning commission, if your district has one).

What steps are involved to implement conditional use permits?

- You should be very clear in establishing either overall review criteria for conditional uses in all zones, or separate review criteria for conditional uses in each zone. This will help both prospective applicants and the staff or reviewing body. Include the review criteria in your ordinance that establishes conditional uses.

Overall advantages of conditional use permits?

- The public can participate in the review of each use (depending on how you have written your ordinance).
- The CUP allows flexibility in the location of certain land uses. This may soften overall public reaction against the idea of zoning, if you think the people in your district may be against it.

Overall disadvantages of conditional use permits?

- Takes time to review each use.
- Requires review by the planning and zoning commission.
- Should be a part of a larger, wide-ranging set of zoning controls.
- A CUP can become a loophole in the zoning ordinance unless the conditions imposed on a use are carefully written and enforced to uphold the intent of the original zoning.

For instance...

Example 24 is a brochure available to Kodiak Island Borough residents. It explains the review procedures for conditional uses and how residents can become involved.

PERFORMANCE STANDARDS

Performance standards are a type of land use regulations which cities or boroughs can use instead of traditional zoning. They differ from traditional zoning because they regulate impacts, not uses. In fact, local officials must consider any proposed use for any area. Local planning staff or other officials decide whether or not to allow a use based on the level of impacts, not on the type of use proposed. That is, they weigh the effects, not the causes. If the harmful effects do not exceed the levels stated by the performance standards, then the use is permitted. (The developer may still face conditions or limits on the proposed plans after he or she demonstrates the plans' ability to meet the performance standards.)

What districts can use performance standards?

- The same types of governments which can use other zoning tools.

Who adopts performance standards?

- Staff and the same governmental bodies who participate in the adoption of other zoning also participate in this process.

Who implements and enforces this technique?

- Implementing performance standards is the same as for traditional zoning.
- Enforcing performance standards can be expensive, but your community can cut expenses by coordinating local enforcement with state and federal programs. For instance, your community may allow a seafood processor to locate along the waterfront. In this case, EPA will monitor the project's liquid wastes; DEC will monitor the water and air quality.

What steps are necessary to implement performance standards?

- To establish performance standards, first re-read the inventory and

analysis of natural and cultural systems in your CMP.

- Identify the more sensitive resources.
- Draft performance standards that set measurable limits to the impacts you think might harm the sensitive resources and systems your CMP has identified.

Overall advantages of performance standards?

- Performance standards clearly state the reasons for controlling land and water use, so that residents and developers know why development must proceed in a certain way. Traditional zoning, on the other hand, does not always clearly broadcast the reasons for restricting or prohibiting uses in an area, even though the reasons are usually contained in the comprehensive plan or CMP.
- Performance zoning may place less of an administrative burden on staff than traditional zoning by eliminating the reviewing of requests for conditional uses, variances, and rezones.

Overall disadvantages of performance standards?

- Staff, the planning and zoning commission, and the assembly/council need a fair amount of time to review each proposed land use.
- The use of performance standards is still new and may be more difficult or controversial for local decision-makers and the public to accept.
- Staff should develop a standard approach to the review process so that decisions are consistent.

For instance...

A district could use performance standards to protect the scenic and recreation values of its waterfront while accommodating commercial water-related development. For example, a performance standard might only allow waterfront buildings, such as a boat repair shop and a marine supply store,

which are designed and sited on their lots to preserve scenic vistas of the shore and the horizon from public vantage points.

Performance standards are also useful in sensitive environmental areas where development is allowed, but open space is also important. The performance standard might state: "at least x% of the development site shall be planted and maintained with live vegetative cover. Preservation of existing trees and bushes on the site is also encouraged."

SITE PLAN REVIEW

Site plan review requires a developer to present detailed development plans to the planning commission or staff for review and approval. The procedure works well for reviewing development that, for one reason or another, needs public scrutiny. During the review, the commission discusses buffers, setbacks, building location, access, drainage, landscaping, and other features to ensure that the project is compatible with surrounding development and with the coastal management program. The procedure is usually limited to uses, sites, or projects which could have significant (or at least highly-visible) impacts on the community.

What districts can use site plan review?

- Same governments that can require other types of land use regulations.
- Site plan review usually occurs as part of the existing zoning regulations or performance standards. However, it also may be used without reference to either of these techniques.

Who adopts site plan review?

- The council or assembly usually adopts site plan review as a requirement or as a provision of the ordinance for zoning or performance standards.
- Your district's governing body could also adopt an ordinance specifying that the site plans for certain uses, no matter where they are located, are to be reviewed.

Who implements site plan review?

- Staff or appointed commissions (such as planning commissions, or a special interest commission—geotechnical, beautification, or recreation).

What steps are involved to implement site plan review?

- Include criteria for site design in your ordinance. These criteria should be as specific as possible, but allow flexibility so that the review panel can weigh problems and characteristics specific to each site.

Overall advantages of site plan review?

- Allows more detailed review of projects than other local land use regulations.
- Encourages applicants to think about how best to design their proposed use.
- May be enforced as a condition for obtaining a building permit. If the conditions placed during site plan review are not met, then the building permit can be withheld.

Overall disadvantages of site plan review?

- Requires staff expertise in site design.
- Is time-consuming to enforce.
- There is a practical limitation on the number of uses that can be required to undergo site plan review. Otherwise, the reviews could be time-consuming for staff and applicants.

For instance...

In Anchorage, public projects are subject to site plan and landscaping review. Example 25 is the ordinance which requires public projects to be reviewed and the purposes for the review.

SUBDIVISION REGULATIONS

Subdivision regulations control the process of dividing larger tracts of land into smaller lots for sale and development whether for housing, commercial, or industrial uses. The ordinance that regulates subdivisions gives a city or borough control over:

- lot layout;
- street location and design;
- drainage;
- grading;
- access to lots;
- easements needed for public or maintenance purposes;
- walkways;
- roads and utilities (construction usually required before lots can be sold); and
- other physical and environmental elements.

The subdivision ordinance can control several aspects of subdivision improvements:

- Their design (the ordinance may set certain standards, such as travel lane widths for roads and utilities).
- Their scheduling (the ordinance may require the developer to post a bond or make another type of financial guarantee to ensure that the improvements are constructed prior to the lots being put up for sale or before homes are built).
- Their quality (the city or borough may require the municipal engineer to inspect the improvements before the government releases the developer's financial guarantee).

The council or assembly often appoints a platting board to review all proposed subdivisions for compliance with the city's or borough's ordinance. The council or assembly appoints to the platting board community residents who know about surveying, engineering, land use, design, and other areas pertinent to subdivision review. Sometimes, members of the planning commission also serve on the platting board. In communities without a platting board, the planning commission reviews subdivisions.

A well-written subdivision ordinance can work separately or in concert with a zoning ordinance, comprehensive plan, and CMP to address the needs and goals of your district.

What districts can use subdivision regulations?

- Incorporated cities and boroughs.

Who adopts this technique?

- Staff and planning commission recommend subdivision ordinances.
- Council or assembly adopts, usually as part of zoning ordinances.

Who implements this technique?

- The platting board reviews and approves all proposed subdivisions. If a community has no platting board, the planning commission reviews proposals.
- The planning staff, building official, or engineer may inspect the completed improvements.

What steps are involved to implement subdivision regulations?

- Decide what problems your district can solve by having a subdivision ordinance.
- Talk to other districts and obtain their advice and examples. To select a model for your own ordinances, choose existing ordinances which mirror the characteristics and needs of your district.
- Build public support for the adoption of subdivision ordinances by working closely with property owners, potential subdividers, local engineers and surveyors, and other interested parties before drafting an ordinance.

Overall advantages of subdivision regulations?

- Ensures that new development is served by adequate roads and utilities.
- Ensures that critical natural features are not adversely impacted by the denser, more intense land use of new subdivisions.
- In a growing district, subdivision regulations are often more politically acceptable than zoning.
- Can be written to regulate only the design aspects of subdivisions which your district feels are most important.

Overall disadvantages of subdivision regulations?

- Requires staff time to review the subdivision applications and proposed design.
- A person wanting to subdivide property will have to spend more money to do so in order to meet development standards.
- It lengthens the time from when a person decides to subdivide until he or she can actually sell lots.

For instance...

A district may find that the continued health of its salt marshes depends on a carefully regulated inflow of fresh water and nutrients. The district may then enact a subdivision ordinance that requires proposed subdivisions to control the amount of fresh water runoff that enters the marshes from roofs and parking lots (by installing storm sewers or retention ponds).

Example 26 is an explanatory brochure that the Kodiak Island Borough uses to inform the public about its subdivision ordinances. The Municipality of Anchorage uses wetlands classifications in their review of subdivisions (see Example 27). Anchorage has identified and classified its wetlands into categories that either allow or limit development, specify the type and location of development, and place design and construction restrictions on subdivision development adjacent to or in wetlands.

LAND USE AND BUILDING PERMITS

Cities and boroughs may require developers to obtain land use and/or building permits before they can undertake certain uses or construct structures. They are a way of making sure new development meets local, state, and federal requirements.

The issuance of land use permits is based on the compliance of the proposed use or structure with established regulations or adopted plans. Some cities and boroughs may establish a requirement only for land use permits and not for building permits (or vice versa). Other municipalities may adopt both types of permits.

The permit process can ensure coastal policy implementation by adding coastal management to the permit review criteria. These permits make coastal management an active part of local development review and facilitate on-going public awareness of its importance.

What districts can use land use and building permits?

- All cities and boroughs.

Who adopts this technique?

- The locally elected council or assembly.

Who implements this technique?

- The planning, engineering, and/or public works staff of the city or borough.

What steps are involved to implement land use and/or building permits?

- Identify the land uses and building types that may affect coastal resources.
- Pinpoint the specific aspects of those uses and buildings that you want

to regulate to achieve your coastal goals (location, utilities, setback, etc.). You might want to review the policies of your CMP to decide what regulations will be effective.

- Look at examples that other districts are using and get their advice.
- Talk to your own district's residents and local officials to see what they find practical and needed.
- Draft an ordinance that requires people wishing to begin new land uses, build new homes, or make changes to obtain a permit from your local government. Be sure to include the reasons why permits are necessary in the ordinance.
- Draft the permit application and then test it by asking someone who has never dealt with permits to try filling it out. Use his or her comments to refine it so it's easy to fill out.. and easy to review, too!
- If your district chooses to adopt a building permit system, usually the governing body adopts part or all of the most recent Uniform Building Code established by the International Conference of Building Officials (ICBO). In order to receive a building permit, the applicant must usually then meet the Uniform Building Code standards.

Overall advantages of land use and/or building permits?

- Your district can choose which activities and uses to control. The scope of your permitting system depends on the needs of the district and the availability of staff.
- You can base the criteria for land use permits entirely on your CMP, or you can include other criteria.

Overall disadvantages of land use and/or building permits?

- The requirement for the public to obtain land use permits usually requires a commitment to enforcement on the part of the local government. Enforcement requires that staff go into the field to evaluate applications and investigate reported violations.

- The permit system also involves staff working closely with the applicant, which takes considerable staff time.
- The Uniform Building Code requires applicants to draw up formal plans. This can be costly and not in keeping with the local way of doing things.
- To review building permits, your district will need staff who can read and interpret building plans and can inspect structures for technical compliance with the Uniform Building Code.
- Establishing a building permit system may create the need for additional staff and for close coordination between departments of local government.

For instance...

The Matanuska-Susitna Borough uses land use permits to implement its CMP. The Borough requires land use permits for Planned Unit Developments, construction in flood hazard areas, and development in certain "Special Use Districts." If the proposed project lies within the coastal area, borough staff review the proposed project for consistency with their coastal management program. See Example 28.

MUNICIPAL LAND MANAGEMENT

Under the state's municipal entitlement program established in 1978, incorporated cities and boroughs can acquire, sell or lease municipal land. All cities and boroughs have acquired, or may still be acquiring, lands from the state. Cities and boroughs may acquire still more land or dispose of property according to procedures in Title 29 (AS 29.35.090). These land transactions can be used as a technique for implementing coastal policies. The most common means of municipal land management are land acquisition; planning; or entering into sales, exchanges, and leases. Under the Alaska Native Claims Settlement Act, Native villages also receive land for community expansion.

Land acquisition provides an opportunity for implementing a district's CMP,

if coastal resources are considered early in the land selection process. For example, a city or borough could select lands which the CMP rated highly for waterfront property value or natural resources. The local governing body, as owner, could control the use of land and limit its use to waterfront activities, or regulate the design or location of development as part of the sale conditions.

Exchanging public land for private land gives the community the opportunity to have a positive influence on the timing, location, and quality of development. Exchange of land allows communities to give a developer land of equivalent value in exchange for property which has particular value to the community as identified through the district's CMP.

What districts can use municipal land management?

- unified municipalities.
- home-rule boroughs.
- second-class boroughs.
- home-rule cities.
- first-class cities.
- second-class cities.
- CRSAs can also impact the management and use of municipal land for those cities within their districts.

Who adopts municipal land management?

The council or assembly has the ultimate authority to acquire or dispose of municipal land. Staff, the public, and appointed commissioners can play an influential role. You and other staff often are most aware of the need to develop a land management plan. Staff are usually responsible for writing the plan, coordinating with local residents, and coordinating with the state and federal agencies who have a strong interest in how the municipal land is managed.

Who implements this technique?

- Although only the council or assembly has the authority to exchange, lease or sell municipal land, the staff often arrange for selections, sales, exchanges, purchases, or leasing. The staff's actions may be reviewed by a local commission appointed to oversee municipal land management.

What steps are involved to implement municipal land management?

- Most boroughs and cities have some form of municipal land management process in place. It may be a very formal and public process, or it may be informal, with sporadic sales or issuance of leases.
- You can begin by talking with the staff person (borough or city manager) who has handled the previous transactions. Discuss with him or her how your CMP goals and policies can play a stronger role in municipal land selections, sales, and overall management.
- Contact other district coordinators who can provide ideas of specific actions you can suggest within your own local government.
- The steps for developing a municipal land management strategy are listed below:
 - Inventory all the lands the city or borough owns;
 - Use your CMP to identify areas which should be retained because of their high resource values or the need to control development;
 - For the remaining municipal land, determine which areas are developable and for what types of uses;
 - Decide which developable areas could be sold to private owners without detrimental impacts;
 - Decide when and in what order to sell these areas to private owners; and
 - Lastly, choose methods of sale or lease that your staff can handle and that the community favors: auction, sealed bid, exchange, lease, or competitive proposals, or applications.

Overall advantages of municipal land management?

- Selection, purchase, or exchange of land can give a district control over key coastal resources.

- A potential exchange of public land for private can give a district greater leverage with developers.
- Sound municipal land management harnesses valuable city or borough resources for local coastal management.
- Coastal management policies may also provide guidelines for Native regional and village corporations to manage their lands.

Overall disadvantages of this technique?

- The organization of land sales and the individuality of lease agreements make them complicated, time consuming, and often expensive implementation tools.
- Haphazard, ad hoc land sales may foreclose long-range options for the community.

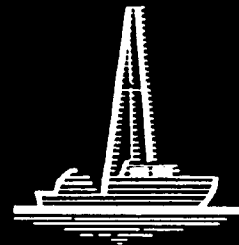
For instance...

As an example of managing municipal land to enhance coastal resources, consider on-shore oil development. Leasing city-owned property to an oil company for development of oil support facilities may serve the company's needs and, at the same time, give the community control over the nature of the development. By leasing the site, rather than selling it, the community can spell out specific conditions to be part of the lease that can effectively control the activity. After the activity ceases and the lease expires, the community may take over the port and other former oil support facilities and convert them to fish processing or other uses.

The Heritage Land Bank Advisory Commission (HLBAC) and their staff are responsible for managing the Municipality of Anchorage's municipal land. Their actions, over the past few years, have included:

- inventorying all municipal land, assigning each tract a parcel number, reviewing all relevant plans (including the Anchorage Coastal Management Plan and Anchorage Wetlands Management Plan), indicating how the plans direct the use of each tract, and making an end-use recommendation for each tract.

- Adopting a land management plan for the Municipality's 4,700 acres in Girdwood. This plan recommends:
 - future uses;
 - lot configurations;
 - needed roads and utilities;
 - whether the tract should remain in public ownership or be sold;
 - the type of selling method most appropriate for the size, end-use, and public need for the tract; and
 - a schedule of sales through 1995 which indicates when each tract should be sold and how.
- Exchanging public land for private land to obtain wetlands and other important areas.
- Using revenue from land leases and previous sales to purchase wetlands and other areas.
- Leasing parcels not needed for public use to private interests. This generates precious revenue, but allows for long-term municipal control.



Implementation Examples

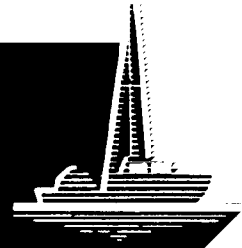
Making These Ideas Happen

We hope this chapter gives you many exciting ideas about how you can implement your district's CMP. But don't stop here! Talking to other district coordinators is invaluable. They can provide you with a sense of what worked for them and, just as important, what didn't. Of course, implementation techniques that work for one district may not be needed or accepted by another. You'll need to get a handle on what regulations or implementation strategies your district is likely to approve or support.

Because you live and work in the district, you are already starting with a first-hand sense of what measures are needed locally, and what techniques will and will not work. To verify your impressions and to widen the range of realistic options, you can:

- Ask your leaders! Meet with your mayor, CRSA board, assembly or council members, tribal council members, local or regional Native corporation board members, etc.
- Read the back issues of your local or regional newspaper(s).
- Read the files of the district coordinator who preceeded you.
- Talk with the DGC and DCRA representatives assigned to your district. They have a good overall perspective. See "Key Players," Appendix B.

Good luck, and let others know of your results!



**Implementation
Examples**

EXAMPLE 1

PARTICIPATION IN STATE AND FEDERAL PLANS

City and Borough of Sitka

The City and Borough of Sitka has participated in state and federal planning in two important ways:

- The district formally entered into an agreement with DFG to conduct research leading to a coastal habitat evaluation. It was incorporated into the district's CMP as a portion of its Resource Inventory and Resource Analysis.
- The district monitors all development proposals governed by the Tongass National Forest Land Management Plan and submits comments based on the proposed use and the relevant data in the plan.

E. IMPLEMENTATION AND COORDINATION (6 AAC 85.100)

1. Coordinated Permit Process

Each district program must include a description of the methods and authority which will be used to implement the district program. The City and Borough of Sitka wishes to provide leadership in the wise management and use of its coastal resources without compounding the already confusing system of state and federal laws, regulations, controls and permits. The State of Alaska, recognizing the complexity of its various permitting requirements, coordinates the permit process through its Consistency Review Procedures.

2. Fish and Game Resource Inventory and Resource Analysis (6 AAC 85.050 and 85.060)

To assist the Sitka District Program in rationally and prudently managing the coastal resources of the City and Borough of Sitka, the City and Borough entered into a Memorandum of Understanding with the Marine and Coastal Habitat Management Section of the Alaska Department of Fish and Game to conduct research leading to a coastal habitat evaluation. The study concentrated on the area between Katlian Bay and Goddard Hot Springs, where development pressures are most likely to occur in the foreseeable future. The Final Project Summary with Management Recommendations of the Sitka Coastal Habitat Evaluation is included as Appendix B and provides recommendations in the overall public interest. Copies of this document are available in the Sitka Planning Department office. The Sitka Coastal Habitat Evaluation also meets the Alaska Coastal Management Program requirements for a Resource Inventory and Resource Analysis (6 AAC 85.050 and 85.060).

3. Tongass National Forest Land Management Plan

With the exception of several small State selections and a few scattered private tracts, land ownership and control in the City and Borough of Sitka outside of the roaded area is exclusively Federal and consists of the Tongass National Forest. This land is managed under the officially-adopted TONGASS NATIONAL FOREST LAND MANAGEMENT PLAN (TLMP). The City and Borough of Sitka will monitor development proposals within TLMP and submit comments based on the use proposed and relevant data contained in TLMP. For example, a review of the Land Use Designations (LUD) will be accomplished when determining the suitability for a specific land use.

4. Local Implementation Authorities

The implementation authorities for the Sitka Coastal Management Program consist of the enforceable policies as stated within this document, as apply to specific land or water uses and activities within the coastal area. In addition, federal, state and local laws, regulations, and authorities are also used, wherever possible, to implement the goals and objectives of this program.

EXAMPLE 2

COOPERATIVE AGREEMENT FOR COASTAL CONSISTENCY REVIEW

Bering Straits CRSA

The Bering Straits Coastal Resource Service Area (BSCRSA) and the Sitnasuak Native Corporation have a formal agreement, or memorandum of understanding, concerning Sitnasuak's review of proposed projects. Key points are:

- who the CRSA should contact when the Corporation needs to be involved (the Sitnasuak Land Manager);
- the responsibility of the Land Manager in reviewing projects;
- the responsibility of the CRSA to incorporate the Land Manager's comments in the consistency recommendations and, if not, to indicate the reason to the Corporation;
- the ability of other individuals to submit comments;
- the timeframe for the Corporation to review projects and for BSCRSA to receive comments; and
- representation of Sitnasuak at BSCRSA meetings when matters concerning the Corporation are addressed.

Sitnasuak Native Corporation

Post Office Box 905 • Nome, Alaska 99762 • (907) 443-5296

MEMORANDUM OF UNDERSTANDING MOU

This Memorandum of Understanding (MOU) is entered into by and between the Sitnasuak Native Corporation, hereinafter known as Sitnasuak, and the Bering Straits Coastal Resource Service Area Board, thereafter known as the BSCRSA Board.

PURPOSE OF THE MOU: This MOU is for the purpose of clarifying the relationship between Sitnasuak and the BSCRSA Board in implementing the Bering Straits Coastal Management Plan (BSCMP) and outlining the role of Sitnasuak as a Native Corporation in an affected community as reflected in Volume III, Chapter 6 Implementation of the Conceptually Approved Bering Straits Coastal Management Plan (CABSCMP).

The basis for this MOU is that Sitnasuak is a Native Corporation that is impacted by the BSCMP and therefore has a strong interest in being actively involved in the implementation of the BSCMP. Since the overwhelming majority of Sitnasuak shareholders live in the City of Nome and cannot vote for representatives on the BSCRSA Board, this MOU will ensure that Sitnasuak's interests are adequately represented.

BACKGROUND: The BSCMP has been under development since 1980 and a Conceptually Approved Bering Straits Coastal Management Plan was adopted by the BSCRSA Board in September, 1986. That Document sets forth policies which, when adopted, will affect developments that require State or Federal permits on portions of Sitnasuak lands. The BSCMP also defines how the plan will be implemented. "Affected communities," which include village native corporations such as Sitnasuak, are specified at appropriate points throughout Chapter 6. Implementation and administrative policies in Chapter 5. Policies and as specified, "affected communities" are to be contacted and involved in the implementation of the Plan.

AGREEMENT:

1) Local involvement in BSCRSA Board actions, including the role of "village contacts" are referred to in Volume III, Chapter 6, sections 6.4, and 6.6 of the CABSCMP. By this MOU, the village contact for Sitnasuak, for projects located within the area shown on the attached Map-A, excluding the area within the boundaries of the Nome Coastal Management Program, is the Sitnasuak Land Manager.

2) It is understood that interpretation of Bering Straits Coastal Management Plan (BSCMP) policies may occasionally result in recommended stipulations or special conditions to ensure that a proposed project is in compliance with the BSCMP Policies. The responsibility of the Sitnasuak Land Manager is to review and comment on proposed projects within the area shown on the attached Map-A, excluding the area within the boundaries of the Nome Coastal Management Program and give the BSCRSA Program Director comments on a portion or all of the following:

- * possible positive or negative local impacts the proposed project may have
- * which, if any, BSCMP policies are applicable and why
- * special conditions or stipulations to make the proposed project consistent with BSCMP policies

The above information will be incorporated into the draft consistency recommendation prepared by the BSCRSA Program Director when preparing a response to the State of Alaska. If the review comments by the Sitnasuak Land Manager are not integrated into the draft consistency recommendation prepared by the BSCRSA Program Director, then the BSCRSA Program Director shall provide Sitnasuak with written justification of why Sitnasuak's comments were not integrated.

3) This MOU does not restrict the rights of any other affected communities, other village contacts, landowners, or any other interested party to submit comments to the BSCRSA Program Director on a proposed project. The BSCRSA Program Director will give special consideration to comments received from the landowner.


4) Comments by the Sitnasuak village contact will be submitted to the BSCRSA Program Director as expeditiously as possible, so that the Program Director has adequate time for preparing and submitting to the lead agency complete and comprehensive consistency recommendations. For review under the 40-day schedule, the BSCRSA Program Director will receive Sitnasuak comments no later than day 20 of the review; for reviews under the 60-day schedule, the BSCRSA Program Director will receive Sitnasuak comments no later than day 30 of the review.

5) The President of Sitnasuak will appoint a board member or shareholder to represent Sitnasuak at BSCRSA Board meetings when matters within the area shown on the attached Map-A, or otherwise concerning Sitnasuak are addressed. The BSCRSA Program Director will ensure that Sitnasuak is adequately notified of BSCRSA Board meetings and provided with appropriate information concerning the matters to be addressed.

6) This MOU does not negate or alter any statutory authorities or regulations of the Alaska Coastal Management Program.

7) Either party entering into this MOU may terminate the MOU after giving 60 days notice to the other party.

Entered into and agreed upon by the
BSCRSA Board


Johnson Eningowuk, Chairman

Date: May 21, 1987

Entered into and agreed upon by
Sitnasuak Native Corporation


Robert L. Fagerstrom, President

Date: May 8, 1987

EXAMPLE 3

COOPERATIVE AGREEMENT

Bristol Bay CRSA

This cooperative agreement between DNR, DFG, and the Bristol Bay CRSA is an example of a district working with state agencies to develop a commonly approved recreation management plan. The main points in this agreement are:

- the need for this agreement;
- formal and informal participants;
- the geographic boundary of the areas being studied and discussed;
- steps to accomplish the plan;
- schedule for accomplishment of the plan;
- roles and responsibilities of all agencies; and
- budget.

COOPERATIVE AGREEMENT
BETWEEN
ALASKA DEPARTMENT OF NATURAL RESOURCES (DNR)
AND
ALASKA DEPARTMENT OF FISH AND GAME
AND
THE BRISTOL BAY COASTAL RESOURCE SERVICE AREA BOARD
FOR THE DEVELOPMENT OF THE BRISTOL BAY RECREATION MANAGEMENT PLAN
SEPTEMBER 15, 1987

Background and Statement of Agreement.

WHEREAS, the Bristol Bay Area Plan (BBAP) and the Bristol Bay Coastal Resource Service Area (CRSA) Coastal Management Plan (CMP) identify the need to prepare a recreation management plan for the Bristol Bay Region.

WHEREAS, increased recreation use of the area has led to conflicts between users and concern about the ability of the areas natural resources to support more recreation use.

THEREFORE, the Bristol Bay CRSA Board (herein after the Board) the Department of Natural Resources (herein after DNR) and the Department of Fish and Game (herein after ADF&G) mutually agree that they are jointly responsible for producing a management plan that serves as a DNR management plan and a CRSA Area Meriting Special Attention (AMSA) plan (herein after referred to as the management plan). Further, the parties mutually agree that this cooperative effort builds on past cooperative efforts and is the most efficient way to address the recreation issues of the region.

Area Covered by the Agreement

The Board, DNR and ADF&G mutually agree that because of the large size of the Bristol Bay region and because issues differ within the region, the management plan needs to focus on specific management units of the BBAP. The areas that DNR, ADF&G and the Board mutually agree will be done first are the Nushagak-Mulchatna River drainages excluding Wood-Tikchik State Park. These are among the most heavily used recreation and subsistence use areas in Bristol Bay. Additionally, most of the lands in these drainages are either state or native lands. Land on the upper Mulchatna River is state land while much of the land along the Nushagak River and the lower Mulchatna River is owned by Native corporations and or Native allottees.

While this plan will only deal with a limited part of the region, some of the issues dealt with in the plan will have broader implication for recreation management throughout the region, including management of recreation around Iliamna Lake and on navigable waterbodies within the Togiak National Wildlife Refuge.

Outline of Planning Process, Objectives and Products.

The Board, DNR and ADF&G agree that the goals of the cooperative agreement for this fiscal year are to complete all of the steps listed in this agreement and have the first draft of the agency review draft of a management plan for the Mushagak and Mulchatna drainages of the Bristol Bay Region written. The need for inventory work, public review of alternatives, and interagency coordination make it impossible to complete a final management plan this fiscal year. Agency and public review of a draft plan and production of a final plan will occur during FY 89 if funds are allocated.

The Board, DNR and ADF&G mutually agree to complete the following steps within the schedule outlined below. DNR and the Board also mutually agree that these steps reflect a process that meets DNR's statutory requirements for planning and the CRSA's requirements for developing an AMSA plan.

Step 1. Establishing Roles of Participants. July 1987 - September 1987.

- 1.1 DNR, ADF&G and the Board mutually agree to determine the boundaries of the planning area.
- 1.2 DNR and the Board agree to meet with the Native Corporation on Mushagak and Mulchatna Rivers to explain the planning process and discuss how the plan can involve corporations. DNR and the Board agree to develop a cooperative agreement with corporations if possible to establish the corporations intent to cooperate and their role in developing the cooperative management plan for all lands in the planning area.
- 1.3 The Board agrees that CRSA staff will develop an introductory flyer summarizing the planning process and schedule contained herein with a map of the planning area.
- 1.4 DNR and ADF&G agree to review and approve the flyer. DNR agrees to provide graphic assistance in preparing the flyer, and print the flyer.
- 1.5 DNR, ADF&G and the Board agree to develop a mailing list for the flyer. CRSA staff will maintain the list and mail the introductory flyer.

Step 2. Issue Identification. August 1987 - November 1987.

- 2.1 DNR, ADF&G and the Board mutually agree to work with the advisory board (see section on participants for list of tentative advisory board members) to identify issues the plan should address. Because the BBAP and OMP have been done, the issues that this plan should address can be identified without holding public meetings.
- 2.3 DNR, ADF&G and the Board mutually agree that issues the plan may address include but are not limited to :
 - Management objectives and optimum levels of recreation use for the Mulchatna and Mushagak River drainages outside of the existing state and national parks, including:

the number and location of lodges and spike camps that should be allowed;

optimum number of other commercial recreation operations and options for managing these operations;

the roles of different land owners in providing land for these uses;

- Acquisition and marking of public access sites, easements and campsites and identification of and propose solutions to trespass problems;
- Recommendations for any land exchanges or legislative designations;
- Conflicts among users of the river.
- The concept of setting aside a strip of land on both sides of the Nushagak and Mulchatna Rivers as special management corridors or public reserve lands that would be managed entirely and exclusively for traditional and public recreational uses;

2.3 DNR, ADF&G and the Board mutually agree that the following issues have been resolved in previous plans and will not be reopened in the management plan:

- The location and amount of state land disposals;
- Remote cabins on state land (they are prohibited through the BBAP);
- Changes to the mineral management provisions of the BBAP unless very site specific guidelines, mineral openings or mineral closings are needed;
- Oil and gas leasing;
- Management of land within Wood - Tikchik State Park; and ,
- Agriculture or grazing.

2.4 DNR, ADF&G and the Board mutually agree that once the planning issues have been clearly defined, CRSA staff will develop and DNR and ADF&G and Board will approve a work program and schedule that defines products, tasks and schedule in more detail and consistent to the maximum extent possible with the steps and schedule of this agreement. The approved work program and schedule will determine whether this agreement needs to be amended to reflect adjustments in the schedule.

Step 3 Inventory. September 1987 - December 1987.

3.1 The Board, ADF&G and DNR mutually agree to work cooperatively to produce needed resource inventories.

3.2 The Board agrees that CRSA staff will collect and map additional data and consolidate existing data needed to resolve issues identified in step 2 above.

- 3.3 DNR agrees to update existing land status maps, primarily by adding the location of Native Allotments, existing DNR permits or leases and 17(b) easements.
- 3.4 DNR agrees to more accurately determine what authority it has to manage use of the water column and navigable waterbodies.
- 3.5 The Board agrees that CRSA staff will gather information on how private and federal land managers propose to manage recreation on rivers under their jurisdiction, so that the range of recreation opportunities being offered in the region can be assessed. For example, it may be that wilderness recreation opportunities are being adequately provided for in the Lake Clark National Park and the Togiak NWR.
- 3.6 DNR agrees to provide cartographic support for final inventory maps and reports.
- 3.7 ADF&G agrees to organize and translate existing statistics on fishing and hunting into a form usable for developing the management plan and addressing the issues identified in step 2.

Step 4 Develop Management Alternatives. December 1987 - February 1988

- 4.1 The Board, ADF&G and DNR mutually agree to develop management intent statements which define how an area will be managed, and land management alternatives for the planning area. Management intent statements and land management alternatives that address Native Corporation lands will be developed in cooperation with affected corporations.
- 4.2 The Board agrees that CRSA staff will schedule, organize materials for and co-chair planning team and advisory group meetings called to develop management intent and alternative ways of resolving issues.
- 4.3 The Board agrees that CRSA staff will prepare a document for public distribution that summarizes management intent and alternatives and analyzes impacts of the alternatives.
- 4.4 DNR agrees to work with CRSA staff in format and content of the alternatives document. The alternatives document shall be reviewed by the advisory group and approved by DNR, ADF&G, and the Board before it is sent out for public review.
- 4.5 DNR agrees to provide cartographic support for the alternatives document and print the alternatives document.
- 4.6 DNR, ADF&G and the CRSA agree to develop a mailing list for the alternatives document. The Board agrees that CRSA staff will maintain the list and mail the alternatives document.

Step 5 Public Review of Alternatives. March - April 1988.

- 5.1 DNR, ADF&G and the Board mutually agree to jointly conduct public review of the alternatives, including, but not limited to, meetings in

Dillingham, Aleknagik, Koliganek, New Stuyahok, Elwok and Anchorage. Written comments will be actively solicited.

Step 6 Summarize Public Comments. May 1988

- 6.1 The board agrees that CRSA staff will summarize and distribute to agencies and members of the advisory board public comments so that plan participants can understand public preference on various management alternatives when they work to reach consensus.

Step 7 Prepare Agency Review Draft. June 1988.

- 7.1 DNR and the Board mutually agree to develop the plan format that meets the requirements for a DNR management plan and the AMSA plan.
- 7.2 The Board agrees that CRSA staff will schedule, organize materials for, and co-chair meetings of plan participants held to address public comments on alternatives and reach consensus on issues.
- 7.3 The Board agrees that CRSA staff will prepare with the assistance of DNR and ADF&G the first draft of the management plan. Further, the Board agrees that the agency draft will reflect planning team and advisory group consensus on those issues that can be resolved within the time frame of the approved schedule.

Future Steps - Plan Completion

The Board, ADF&G and DNR mutually agree that this cooperative agreement will be modified and extended in order to print the agency draft, provide agency and public review of the draft plan, and adopt and print a final plan during FY 89 if funding is received. Funds are not presently available beyond June 30, 1988. If the schedule of this agreement is met and the project receives adequate funding in FY 89 the Board, ADF&G and DNR mutually agree a recreation management plan can be completed for the Nushagak and Mulchatna Rivers by February, 1989.

Plan Participants and Plan Approval

The Board agrees to recruit and hire a project manager to prepare the plan. Prior to the project manager being hired, the Board will get DNR's approval. DNR, ADF&G and the Board mutually agree that a planning team will be established to work with the project manager in preparing the plan. The team will include: Department of Natural Resources, Division of Land Management and Division of Parks and Outdoor Recreation; Department of Fish and Game; Habitat Division, Sport Fishing Division and Game Division, and Bristol Bay Coastal Resource Service Area.

DNR, ADF&G and the Board mutually agree that an advisory group will be established to develop issues, review products and give policy recommendations to the planning team and help the planning team resolve issues. The advisory group will include representatives from other agencies, local governments, major landowners, and recreation interest groups. This group will include, but not be limited to : Bristol Bay Native Corporation; Elwok Natives; New

Stuyahok Native Corp., Koliganek Natives; Choglung Ltd.; village councils from Dillingham, Ekwok, New Stuyahok and Koliganek; local fish and game advisory board members; representatives from the guiding industry, sport fishing groups, other recreation user groups, Lake Clark National Park and Preserve, and Togiak National Wildlife Refuge.

DNR, ADF&G and the Board mutually agree that issues which can not be resolved by the planning team and advisory group will be elevated to the DNR and ADF&G Division Directors and the Chairperson of the Board, or his/her representative(s), for resolution. If this group can not resolve the issue, the Commissioners and Chairperson of the Board will meet to resolve the issue.

DNR and the Board mutually agree that each retains their respective authority and responsibility to approve the plan as a DNR management plan and a ACPM AMSA plan.

Qualifications

DNR and the Board mutually agree that:

1. Nothing in this agreement shall obligate any party in the expenditure of funds, or for future payments of money, in excess of appropriations authorized by law.
2. Each party agrees that it will be responsible for its own acts and the results thereof and each party shall not be responsible for the acts of the other party; and each party agrees it will assume to itself risk and liability resulting in any manner under this agreement.
3. No CRSA Board member or commissioner shall be admitted to any share or part of the agreement or to any benefit that may arise therefrom.
4. Each party will comply with all applicable law, regulations and executive orders relative to Equal Opportunity Employment.
5. Nothing herein is intended to conflict with federal, state or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.
6. Policy and position announcements relating specifically to this cooperative agreement may be made only by mutual consent of the parties.
7. Upon termination of this agreement any equipment purchased for studies initiated in furtherance of this agreement will be returned to the agency of initial purchase.
8. The effective date of this agreement shall be from the date of final signature.
9. The termination of this agreement shall be June 30, 1988. However, any signatory may terminate its participation in this agreement by providing the other party notice in writing 30 days in advance of the

date on which its termination becomes effective.

10. Modification to this agreement may be proposed by any party and shall become effective upon approval of all parties. All modifications to this agreement shall be in writing and signed by an individual authorized to bind the parties herein.

Budget

DNR

Contractual	
Printing	2,200.00
Graphics Staff Support	5,000.00
To Bristol Bay CRSA Board for Project Manager Salary	27,500.00
Sub-total	<u>34,700.00</u>
Travel/Supplies	5,300.00 -
Total	<u>40,000.00</u>

DNR agrees to reimburse the CRSA Board for staff time allocated to implementing the terms of this cooperative agreement. Payment will be made monthly upon receipt of billings for work performed between the effective date of this agreement and June 30, 1988. Final billings will be submitted within 30 days of the end of the fiscal year. Total payments from DNR to the CRSA Board for fiscal year 1988 will not exceed \$27,500.00.

BBCRSA

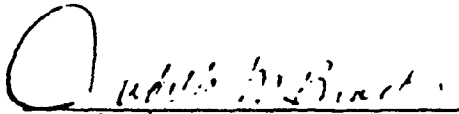
Personal Services	14,200.00
Contractual	3,300.00
Travel/Office	23,300.00
Total	<u>40,800.00</u>

ADF&G

Personal Services	32,200.00
Contractual	3,000.00
Travel/Office	4,700.00
Total	<u>39,900.00</u>

Approving Signatures

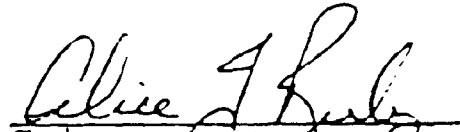
APPROVED:



Commissioner
Alaska Department of
Natural Resources

7-9-87
Date

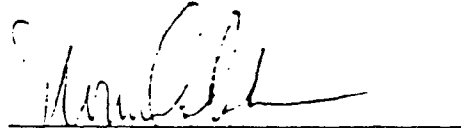
APPROVED:



Chairperson
Bristol Bay Coastal Resource
Service Area Board

10-15-87
Date

APPROVED:



Commissioner
Alaska Department of
Fish and Game

7-6-87
Date

EXAMPLE 4

PUBLIC INVOLVEMENT

Ceñaliulriit Coastal Management District (Yukon-Kuskokwim CRSA) Brochure

This brochure discusses important aspects of the Ceñaliulriit Coastal Management District:

- location and coverage;
- history;
- purpose;
- activities; and
- accomplishments.

Its important features are:

- use of the word “we.” It is written so that the reader feels immediately included in the district;
- includes many of pictures and maps; and
- is short and very readable.

For example, Ceñaliulriit helped to do these things for the villages:

- A proposal to mine platinum was permitted so long as the developer allowed access to a subsistence berry picking area and completed work on a reclamation plan for an anadromous stream.
- A proposal to put an erosion control system in a village was permitted provided that the system would be replaced by the developer if it does not work.
- A proposal to discharge wastewater into the Kuskokwim River was permitted as long as a sign was put up to notify villagers not to drink the water within 25 feet of the drainage pipe.



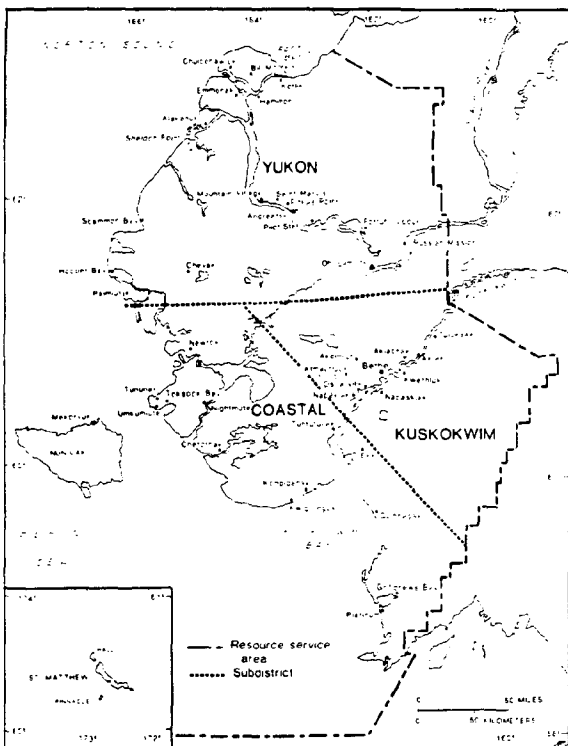
Ceñaliulriit will try to help any village that needs support. We are here to protect your village way of life. If you know of any development project in your area that you think does not comply with your way of life, or Ceñaliulriit standards, please let the office know. We are here to help.

Ceñaliulriit Coastal Management District



CEÑALIULRIIT
Coastal Management District
P.O. Box 1169
Bethel, Alaska 99559
543-2243
543-2274

Ceñaliulriit Coastal Management District represents 43 villages in the Association of Village Council Presidents (AVCP), Calista Region. Villagers began working on the program in 1979. The program became effective in March, 1985 after receiving local, state and federal approval. The District covers approximately 48,000 square miles, including Nelson Island, Nunivak Island and St. Matthew Island.

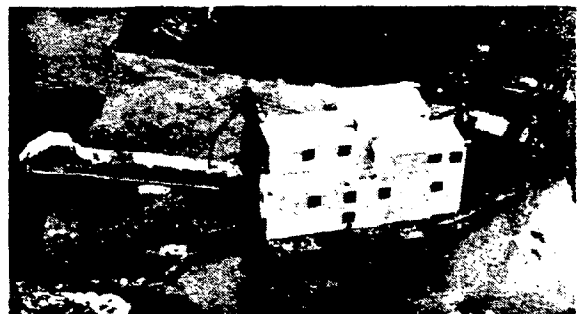


The Three Ceñaliulriit Coastal Management Subdistricts

Ceñaliulriit's goal is to balance resource development and resource protection. We help ensure that wise resource development occurs which complies with the subsistence way of life and the hunter-gatherer culture. Ceñaliulriit works with the villages in many ways.



- We hold public meetings to explain development activities to the villages, and to hear what they have to say.
- We work with state and federal agencies to make sure that the concerns of the villages are considered.
- We work with developers to design stipulations and other measures to make sure that development activities do not jeopardize important fish and wildlife resources or the subsistence way of life.

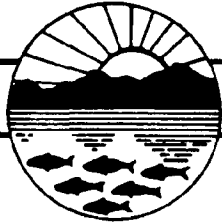


EXAMPLE 5

PUBLIC INVOLVEMENT

Ceñaliulriit Coastal Management District (Yukon-Kuskokwim CRSA) Newsletter

A unique feature of the newsletter is that it is written in English and Yupik.



Ceñaliulriit

Coastal
Management
District

For the Yukon-Kuskokwim Coastal Resource Service Area
P. O. Box 1169 • Bethel, Alaska 99559 • (907) 543-2243

NEWSLETTER

QANEMCIQ

VOL. TWO NO. ONE

FIRST QUARTER

SALMON ENHANCEMENT PROJECT

A possible King Salmon Project to start next year. This project will increase the declining or once depleted King Salmon in the Tuluksak River. Last summer Mr. Jim Raymond from Alaska Department of Fish and Game, FRED Division in Fairbanks did a study on the Tuluksak River to see if it is feasible to incubate King Salmon in the headwaters of Tuluksak River. Mr. Raymond reported, "Investigations to date have indentified several possible incubation methods in the upper Tuluksak River." With that report the project should and will continue. This is what's happening next year;

1. The collection of hydrologic data will be in March 1988. This measures the temperatures, flows, dissolved oxygen and pH when the ponds are covered with ice and the flows are in their lowest.
2. Build and install the incubators the month of May and June and placed them on the out fall channel of the power plant in the tailing ponds. This will only be used for early development only. The eyed eggs then be transferred to the pond incubators sometime in October.
3. Build and operate a weir on the upper Tuluksak River in June and July. The weir will count an accurate escapement of King Salmon in the Tuluksak River and will also be used for collecting eggs for the incubators.
4. The incubators will be monitored the months of August and September. The dead eggs will be picked up in late September and transferred the remaining eggs to the pond trays. The incubators will be monitored throughout the winter.

Mr. Raymond proposed some funding for this project to continue to the Alaska State Legislature and to Bureau of Land Management (BLM). He is asking about \$30,000 from both the legislatures and BLM. BLM said the grant for this project has been awarded to go forward next year. Ceñaliulriit wants this project to go on. If the project is successful we will look at the other remote streams to work on.

VOL. MALRUK NO. ATAUCIQ

CIUQLIQ

SALMON ENHANCEMENT PROJECT

Taryaqvagnek caliaqillerkaq ayagnirciquq allamiku. Una caliaqumaciquq taryaquiit nurnanritlerkaat pitekluku Tuulkessaam kuigani, tamaani ikgelingengata mikullrat. Kiak una Jim Raymond-aaq calilria Alaska Dept. of Fish and Game-ani (FRED Division) Fairbanks-aami yuvrillruuq taryaquiit meluitnek Tuulkessaam kuigan kangrani tukercetaariyugngallerkamek — irnillritnek-wa tamaavet ayalluteng tukercetaariyugngacitnek. Waten Mr Raymond-aaq qanertuq tamana yuvrirraarluku, "Yuvriumallrakun tamatum nallunairtuq qaillun taryaquiit irnillritnek tukercetaarillerkaq." Nallunairillra tamana aturluku waten caliaqillerkaq taryaqvagnek ciumurutnarquq. Allamiku waniwa caliaqumaarkat:

- 1) March 1988-aami mer'em qaillun ayuqucia yuvriumaciquq. Mer'em kumatetacia cuqtaarluku, qaillun carvanirtallra, cali allatgun qaillun mer'em ayuqucia paqluku cikumallratni nanvarraraat carvaneqllu tukninritellrani.
- 2) May-ami June-ami-llu tukercetaarissuutnek pililuteng makut-llu elliluki nanvarra'arnun elagallritnun mine-allret. Mer'em power plant-amek qurrulriim ketiinun elliluki. Tuk'nerciriluki tuani ciumek. Tua-illu iingaalarliit wall'u iingit alaigata nugtarluki anglicarvigkaitnun nanvarra'arnun allanun.
- 3) Neqet naaqessuutekaatnek pililuteng aturluku-llu Tuulkessaam kuigan kangiqviini June-ami July-ami-llu. Uuggun assirluki naaqeciqluki qaillun amllertalriit taryaquiit kangitmurtellrat, cali meluitnek tukercetaar-kanek tuani quyurciluteng.
- 4) Tukercetaarviit murilkumaciquq August-aami September-aami-llu. Meluut-llu picurtenrilnguut auvuumaluteng September-aam nangyartullrani, tukeryugngalriit taugaam uitavilingiggluki allanun nanvarra'arnun anglicarvigkaitnun. Tukercetaarviit-llu murilkumaciquq ukurpak.

(Continued on page 5)

LETTER FROM THE PROGRAM MANAGER

Dear Ceñaliulriit Newsletter Readers:

Happy New Year! Another year has past and what a year it was. This year the Newsletter is going to be different from what we have been doing. We will focus on the issues that Ceñaliulriit has worked on or the issues that we are still working on.

The last quarter was busy. I attended the AVCP, AFN conventions and the Eskimo Walrus Commission meeting. The board met in November at Bethel. The board has two new board members, Mr. Isaac Mute from Kipnuk for Akomiut, Atmauthluak, Kasigluk, Kipnik, Kongiganak, Kwigillingok, Nunapitchak, and Tuntutuliak and Mr. Charles Nick from Pilot Station for Andreafski, Fortuna Ledge, Mt. Village, Ohogamiut, Pilot Station, Russian Mission, and St. Marys.

This quarter I will continue to work on the permit reviews as they arrive to the office. I will travel to district meeting sometime in this quarter when Division of Governmental Coordination (DGC) makes the arrangements. I will continue to work on the issues and concerns we are working on and other new ones as they come. The issues like Marine Mammals, Yukon Delta National Wildlife Refuge, Goose Management Plan.

Enjoy the new year and make the year something worthwhile as it goes by.

Anna Phillip

Anna Phillip,
Program Manager

CEÑALIULRIIT BOARD OF DIRECTORS CEÑALIULRIIT ATANRIT

Fritz Beebe
Paul Chimiugak
Homer Hunter
Phillip Guy
Isaac Mute
Nick Charles

Eek
Toksook Bay
Scammon Bay
Kwethluk
Kipnuk
Pilot Station

IGAA CEÑALIULRIIT MURILKESTIITNEK

Waqaa Ceñaliulriit Tuanemciata Naaqestiini:

Allrakuqegcisqelluci piamci. Maa-i-am allrakuq kituqertuq caarkat-llu amllellruluteng. Mat'umi allrakumi newsletter-aaq ayuqngaituq ciunganicetun. Qalarut-kelarciaqaput Ceñaliulriit ak'a caliaqellrit cali-llu maa-i caliaqek'ngaput.

Icivarpak calianka amllellruut. Ilagautellruunga quyurtaalrianun AVCF-nun, AFN Convention, Eskimo Whaling Commission-aanun-llu. Board-at-llu quyurtellruut November-aami Mamterillerni. Malrugnek-llu nutaragnek Board-at ilangellruut ukuulutek Isaac Muteaq Qipnermiu aipaa-wa Charles Nick, Pilot Station-aarmiu. Isaac Mute-am represent-ararkauluki Akulmiut, Atmaulluarumiut, Kassigluq, Qipneq, Kangirnaq, Kuigilnguq, Nunapicuar, Tuntutuliak-llu. Nick-am-llu Andreafski, Fortuna Ledge, Mt Village, Ohogamiut, Pilot Station, Russian Mission, St Marys-aaq-llu. Maa-i caliaqurciqanka imkut pissuryaram kalikartai (permit reviews) office-aamnun-taiguralriit. Cali ayagciqua quyurtellrianun (District Meeting) Division of Governmental Coordination-aat (DGC) ayallerkaqa kitugeskatgu. Cali caliaqurciqanka cat qalarutek'laq'ngaput allat-llu nutarat taiguralriit. Ilakluki imkut unguvalriit mermi arenqirtuutait (Marine Mammals), Yukon Delta National Wildlife Refuge, Goose Management Plan-at-llu.

Kitaki allrakuq nutaraq angnirluci atuqiciu cali elliinginaq aturpek'naku.

Anna Phillip

Anna Phillip
Program Manager

OFFICE STAFF CEÑALIULRIIT CALISTAIT

Anna Phillip, Program Manager
Ceñaliulriit Murilkestii

BERING SEA RESOURCE ASSOCIATION

Bering Sea Resource Association (BSRA) is up and away. BSRA is a 12 board of directors organization of 6 oil companies, 2 environmentalists, 2 Alaskan fish groups and 2 Alaskan Natives. The organization will have advisory committees. The advisory committee will have a big influence to the board. The board will make decisions according to the information they receive from the advisory committee.

BSRA will monitor the activities in the Bering Sea. The committee will try to draw up compromises to the exploration and the drilling activities in the Bering Sea. The committee has a voting process that goes like this. If one group did not vote to pass the issue the vote is dead. At least one person from each group has to vote to pass. For example, Alaskan Natives group is worried and does not like what the other groups agreed on, they both decide to vote against it, the issue is dead. All the other groups may all vote or one may vote from the group to pass. The issue they voted on is dead, because Alaskan Native group both voted against it.

How did BRSA get formed? Back in 1985 the oil companies and the environmentalists met in Morro Bay, Calif., to see if the organizations can agree on something they always disagree on. The issue came to try to compromise on Bering Sea. One of the consultants from Alaska that attended the meeting stopped them. He told them that the Alaskan Natives that live along the coast will be effected and they need to be involved in this process. That is when Ceñaliulriit and Nunam Kitlutsisti from the Yukon/Kuskokwin Delta Region got involved.

The group would meet in Lower Fortyeight then Ceñaliulriit and Nunam kitlutsisti representatives would travel out to the coastal villages and inform the villagers what happened in the meeting and ask them for opinion on the decision that was made in the Lower Fortyeight meeting. The meetings went on for eight months. After the negotiation was settled the group presented the agreements to the Secretary of Interior for the five years lease sale proposal. The group wanted to continue to go foward working together on the issues in the Bering Sea.

The BSRA Committee needs help with grants to go on. You can help by writing to your congressmen in Washington D.C. The committee will be a big help to us. With the committee like BRSA nobody will bypass us to make decision or make laws. We will be involved in decision making and that is important.

BERING SEA RESOURCE ASSOCIATION

Bering Sea Resource Association (BRSA) maa-i cali eglertuq. Una BSRA ciuliqagcesteogqertuq (board members) qula malrugnek cipluku. Arvinelgen kingunerluteng uquliulrianek, malruk-wa nunam qaingan elluarrluku aulukumallerkaanek calilriik (environmentalists), malruk-wa neqsuryaranek calilrianek, cali-wa malruk yuuk Alaska-rmiuk. Cali ukut alerquasteñek committee-nek pingqerciqluteng. Taukut alerquastet ayuqucirtutenguciqut board-anun, piyuumiutait-wa niicimaarkauluteng. Board-at tua-i eglertarkauluteng taukut alerquastet piyullrat aturluku.

BRSA-m kelluciiqaa Bering Sea-m imarpia — cat-wa calriit tamaani kellulluki. Imkut-llu uqumek yuarluteng ukicilriit camavet nunam acianun qalarut'larciqait umyuallgutkengnaqluteng pillerkamek wall'u elluarrluteng pillerkamek yuallratni uqumek imarpigmi. Waten vote-allerkaat ayuqluni: Kingunellgutkelriit vote-autekenrilkatgu tauna piyuun piurrngaunani. Vote-autekek'ngaat piurciqluni atauciq groupamek vote-aqan. Waten ayuqluni: Yuuk Alaska-rmiuk umyuallguciutenrilkunek allanun board member-aanun, camun-wa vote-autekek'ngaatanun peng'garutengqerqunek, vote-arpek'natek pikagnek, tauna vote-autekellrat picirungaunani. Tamarmeng tugaam vote-aqata wall'u kingunellgutkelriik aipaak ilauskan vote-alrianun nutaan piyuun piurtarkauluni.

Quaillun BRSA-q piurtellrua? 1985-aami uquliulriit imkut-llu nunam qainganek kellucilriit (environmentalists) quyurtellruut Morro Bay, California-mi arenqiirtungnaqluku quaillun umyuallgutekluteng pillerkarteng. Taukut Bering Sea-q imarpik qalarutekluku pillruut, arenqiirtungnaqluku-wa quaillun umyuallguteklerkarteng picirkiuquneng. Tugaam Alaska-mek kingunelgem arenqiirturtem (consultant) ilagau-tellermiini quyurtellratni taqevkallrui qanerluni yuut nutem yui Alaska-m tamatumun qalarutkellratnun agtuumaciqniluki, cali ilagautnaqniluki quyurutiitnun. Tamaakenirnek Ceñaliulriit Nunam-llu Kitlutsisti maaken Kusquqvagmiut Kuigpiim-llu avategkenek yuut ilautengellruut tamatumun quyurutekellratnun.

Ukut quyurtelartut akmani state-ani tua-i-llu Ceñaliulriit Nunam-llu Kitlutsisti-ni ilagautellret nunacuarnun ayagaluteng qanrutekluku quyurtaallratni picirkirurat, cali apluki nunacuarmiut quaillun umyuarteqellratnek tamatum taqutellrata tungiinun tuani quyurtaallratni akmani. Taukut quyurtaaturallrulliniut iralurruteng pingayunlegnek. Tuaten arenqiirtururarraarluteng nutaan tamakut umyuallguciluteng taqellret tunellruit Secretary of Interior-aamun, allrakuni tallimani uquliulriit picirkirluki uqumek yuallerkaataek. Taukut quyurtaallret taum kinguakun calillguteksugluteng piut uqumek yuarluteng imarpiluillerkaq pitekluku.

Una BRSA-m committee-ra ikayungcartuq akitgun. Elpet ikayuucugngauten igarluki congressmen-aat Washington D.C.-mi. Taukut committee-t wangkuta ikayuqciqaput. Ikayuqkumteki BRSA-t kina nallumteñi wall'u ilangcivkenata taqusngaituq alerquutmek. Waten pikumta ilagauciiqut piyunarqucinek taqutellrianun tamana-llu ikayuutellerkarput arcaqalriaruq.

COMMERCIAL AND SPORT FISH STUDY IN YUKON/KUSKOKWIM DELTA

Last year the village of Quinhagak made a movement riding upriver on Kanetak River asking the sport fishermen to leave the river and stop fishing. The village of Quinhagak did not like what the Dept. of Fish and Game did, closing the commercial fishing early on King Salmon and sport fishing open. The villagers didn't want to be the only ones to be effected, closing the commercial because the King Salmon run was low. They said if commercial is closed, why not sport fishing too.

Sports Fishers and Dept. of Fish and Game on the other hand were saying that sport fishing does not effect the low run of King Salmon because they catch and release the fish. The controversial started, the villagers believe that when you catch the fish you take it home and eat it. Ceñaliulriit is doing a study on this issue on commercial and sport fishing. Ceñaliulriit wants a cooperation from the villagers, sport fishermen, guiders, and state and federal agencies. Ceñaliulriit wants stories, data, information from all parties. Tell us your point of view of your values and interests. Why do you think it is important.

WATER RIGHTS

The board has been interested in water rights issue for quite some time. Native American Rights Fund (NARF) is working on this issue putting information together to present to the board in the next meeting.

WATER QUALITY

Ceñaliulriit has been involved with the other water users group who keeps a watch on the miners and state agencies. For the last couple of months the other water users group has been informed by DEC what the miners and DEC are doing. The miners worked on to revise the water quality standards. Now the draft revisions are up for comments, anyone can comment on these drafts.

COMMERCIAL AND SPORT FISH STUDY IN YUKON/KUKSOKWIN DELTA

Allragi Kuinerrarmiut kuimeggni Qanirtuumi imkunek tekilluteng tamaavet anglaniluteng manalrianek (sport fishermen) taqevkarillruut ayaasqelluki-llu. Taukut Kuinerrarmiut assiilkellruat Dept. of Fish and Game-at alerquutiit, umegluku akingengnaqluteng kuvyallrat tamakut tawken manalriit umgutevkenaki. Taukut nunat kiimeng tuaten pisqumanritellrulliniut, tamana akingengnaqluteng kuyallrat taqevkaumaluni taryaqqviit mikunritellrat pitekluku. Qanerluteng umkatgu kuvyasteñun ciin-gguq tamakut manaryalriit umgutenritatki.

Taugaam tamakut manaryatulit taukut-llu Dept. of Fish and Game-at qanlliniut manalrianun taryaqqviit mikunritellrat atanritniluku, pitateng pitaqerraarluki ayagcet'laitki. Tuaten arenqiallugtellruut taukut nunat umyuarteqngata kia neqa pitaqekuniut ut'rut'laryukluku nerluku-llu. Man'a arenqiallugun Ceñaliulriit maa-i yuvriraat. Cali-llu yuvrillermeggni elluarluki pillguteksugluki taukut nunacuarmiut, allanek-llu tekilluteng manaryatulit (sport fishermen), ayagacistet-llu, (guides) wall'u state-ami anguyagtem-llu pistai. Ceñaliulriit niicugtut qanemcinek wall'u nallunritnarqelrianek canek tamatum tungiinun — kinkunek-wa qanerkang-qeqqata niicugluteng. Taumek nallunriceskicikut qaillun umyuarteqlerpeceñek tamatum tungiinun, nallunairluku ca ciumurutnarqellria wall'u piyuun, cali tuaten ciin umyuartequcirpetun pillerkaq arcaqalriarucianek.

WATER RIGHTS

Awkut cali board-at mer'em aturyagngallra camek arenqiallugutaunani (water rights) murilkengellruat akaarnun. Ukut Native American Rights Fund (NARF) man'a caliaqaat, cali nallunritnarqellriit mat'um tungiinun quyurrluki. Taukut quyurutkelteng maniarkaigait quyurtenqigeskata Board-at.

WATER QUALITY

Ceñaliulriit water-rights group-anun cali ilausngal-lrurtut. Taukut water rights group-at murilkilartut nunam tukuutainek yualrianek (miners) wall'u state-at pistaitnek. Maa-i awkugni iralugni malrugni allat water user group-at DEC-m qanrut'lallinii qaillun tamakut nunam teggliinek wall'u tukuutainek yualriit pillritnek, camek-wa calillratnek. Cali DEC-m calierteng tamakunun qanrutekluku. Tamakut nunam tukuutainek yualriit calillrulliniut pisqutkanek mer'em caarri-uurtenritlerkaa pitekluku. Pisqut'liarit-llu maa-i igausngaut yuvriumaarkaurrluteng. Kina imna pisqut'liaritnun qaneryulria piugngaluni.

KUSKOKWIM AREA PLAN MINERAL CLOSURE

Ceñaliulriit Board of Directors passed a resolution to close nine streams in the Kuskokwin Area Plan to mining. The resolution was sent to Dept. of Fish and Game and Dept. of Natural Resources. The resolution got a response from the Dept. of Fish and Game. Dept. of Fish and Game said their interest in closing the streams to mining is in the area where the salmon spawn and rear. On the other hand Calista said they don't want any streams to close to mining. The three now are working together to try to come up with something that all will be satisfied.

SPECIAL NOTICE

Mineral Management Services (MMS) is sending public notice for scoping meetings for proposed St. George Basin Offshore Oil and Gas Lease Sale 101. Any interested people should attend the meeting that is scheduled in Bethel, February 9, 1988 at Kuskokwin College, Room 146. The meeting starts at 6:30 p.m. Come to this meeting and voice your opinions on St. George Basin Oil and Gas Lease Sale 101. This meeting is important, it effects our future.



KUSKOKWIM AREA PLAN MINERAL CLOSURE

Ceñaliulriit Board of Director-aarit pisqutmek taqutellruut umgarkaurrluki qulngunritaraat kuiget Kuskokwim Area Plan-ami nunam acianek canek yualrianun. Pisqun ayagecimalruuq Dept. of Fish and Game-anun, Dept. of Natural Resource-anun-llu. Dept. of Fish and Game-at-llu kiuluteng ellaita taukut kuiget umegyugniluki yualrianun neqet tamaani irnilaata. Tawken Calista qanerluni umgucsqumavkenaki nunam cainek yuaryulriit kuigni. Maa-i tamarmeng ukut calillgutkut piyuuteteng arenqigingnaqluki.

SPECIAL NOTICE

Mineral Management Service-aaq (MMS) ayagececiuq yugnun nallunairutmek qaillun quyureskuneng pillerkarteog caliaqnaluku quyurutkekunegtegggu St George Basin Offshore Oil and Gas Lease Sale 101-aaq. Tuani uqumek yualriit pillerkivllrat pitekluku quyurciiquit. Kina imna tamatumun umyuangqerquni quyurteliyarniartuq February 9, 1988, Kuskokwim College room 146 Mamterillerni. Ayagnirciquit 6:30-mi atakuni.

Taikici quyurutkekatgu St George Basin Oil and Gas Lease Sale 101. Arcaqalriaruq una ciunerkarput agtuumaciqngaku.

(Continued from page 1)

Mr Raymond-aaq-llu mat'um caliarkam akikaanek kaigallruuq waken Alaska State Legislature-aanek waken-llu Bureau of Land Management-aanek (BLM). Kaigallruuq \$30,000.00 amllertalriamek alerquuciurteñek cali-llu BLM-aanek. BLM-aat-llu qanertut akinek allakarillruniluteng allamiku aturarkanek tamatum caliaqellerkaata akikaanek. Ukut-llu Ceñaliulriit tamana taryaqvagnek tukercetaarillerkaq caliaquesqumaat. Waten man'a pillrat elluarrluni pikan allani kuiget kangritni cali tukercetaariciqu.

EXAMPLE 6

PUBLIC INVOLVEMENT

City of Whittier Newsletter

This Whittier Coastal Management Newsletter is the district's first. It was written during the initial phases of the district's CMP development. Its goals were to explain:

- what the CMP development process is about;
- why a CMP is important to Whittier;
- why residents should participate;
- who the key players are;
- project schedule; and
- public meeting dates.

It is written in clear language and speaks directly to the reader. Although the subject of your newsletter may be different, this newsletter's editorial tone may be applicable in your district.



WHITTIER COASTAL MANAGEMENT NEWSLETTER

COASTAL MANAGEMENT IN WHITTIER....

....WHY BOTHER?

Whittier already has a Comprehensive Plan and the Alaska Department of Natural Resources is preparing a Prince William Sound Area Plan for state lands. Does Whittier need another plan?

Coastal Management Exists With or Without Whittier

Alaska has a statewide coastal management program, nicknamed the ACMP (see the other article in this newsletter). This program, with its standards and guidelines, is already being used for state and federal permit and planning activities. Without a local district coastal management program, Whittier must take the role submitting public comments on coastal consistency determinations, rather than participating directly in the consistency determination.

The Benefits of Local Participation

Coastal management does not provide complete local control over activities that occur in a coastal district. However, it takes local residents from the role of making public comments on a state or federal activity, where they have limited voice in the decision, to actually participating in decision making.

By forming a coastal district and participating in coastal management, local residents get the following benefits:

1. Through their approved coastal plan, it allows the local residents to develop the "rules" (the plan's policies) with which federal, State, and local activities must be consistent.
2. Coastal management provides local residents with a strong and legally defined role in the consistency determination process; their input cannot be ignored.
3. An approved plan is legally binding on federal, state, local and private activities that are subject to coastal management; such activities must be consistent with an approved local plan.

Your Consultants

The City has hired some consultants to help put together the coastal management program. They are: Gordon Lewis of Community Planning, Jon Isaacs of Jon Isaacs and Associates, and Jim Glaspell of Resource Analysts. Both Gordon and Jon have worked on other Whittier projects, and the team has experience on twelve coastal management programs. Their job is to make sure the program addresses local needs and concerns while following the State guidelines for preparing district plans. They will also assist in obtaining agency approval of the program.

WE NEED YOUR HELP...

Better You Than Us

A major reason for the putting a district coastal management program together is to make a place for local values in state and federal permit review and planning. The consultants worked in Whittier before and could write this coastal management program ourselves; but they're still a bunch of Anchorage consultants. The input of Whittier residents is necessary to insure that the Whittier Coastal Management Program reflects the needs and characteristics of the community of Whittier. Your concerns and comments are important.

Fill Out the Attached Questionnaire

There is a questionnaire attached to this newsletter. Please take the time to fill it out and return it City Offices or the other locations mentioned. The results of this survey will provide the City with ideas and attitudes regarding your community and use of coastal areas. The Planning Commission will use this information for several purposes. The first is to develop a statement of issues, goals and objectives for the coastal plan. Later in the planning process, survey information will also help 1) identify areas within the city that should receive special planning consideration, and 2) develop policies used to guide development.

Meetings: Give Us A Piece of Your Mind

The project team will be holding at least three meetings on this first phase of the Whittier Coastal Management Plan: two meetings with the Planning Commission (open to the public) and one general public meeting. The purpose of these meetings are present draft results for review and comment, and outline planning options. We need public comment to make sure the direction of the program is not off base. Look at it this way- your time spent on the program now may save you a trip to yell at someone in city hall later. The tentative dates for public meetings are listed below under Phase 1 Milestones.

PHASE 1 OF THE PROGRAM

What's In a Coastal Management Program?

A coastal management program must contain the following elements:

1. Issues, Goals, and Objectives- presents the needs and concerns of the people of the coastal area, and the program goals and objectives that address them.
2. Coastal Boundaries- describes the area covered by the coastal management plan and how it was determined.
3. Resource Inventory and Analysis- discusses the coastal district resources
4. Subject Uses- lists the uses and activities subject

to the coastal management plan and uses areas important to the CRSA.

5. **Policies-** are the "enforceable" rules of the coastal management plan, and are used to determine the consistency of uses and activities with the plan.
6. **Implementation-** describes how the State of Alaska and the city work together in the consistency determination process, including the role of local communities and landowners.
7. **Areas Meriting Special Attention-** includes the potential AMSA's designated in the plan.

Project Schedule

This is the first phase of Whittier's coastal management program; it will be completed by June 30th. Phase 1 will include the first four program elements (listed above) and options for the fifth and sixth elements. The schedule for completing Phase 1 is presented below:

1. Scoping Session with Planning Commission- early January
2. Needs, Goals and Objectives(draft)- late February
3. Resource Inventory and Analysis- late February - March
4. Coastal Boundaries- mid-April
5. Draft Phase 1 Report- mid-May
6. Policy and Implementation Options- early June
7. Final Phase 1 Report- late June

WHAT COMES NEXT

The next step after Phase 1 is to complete the policies, implementation, and AMSA elements, and then prepare a Public Hearing Draft of the Whittier Coastal Management Program. The Public Hearing Draft is the first formal document released for public and agency review; at least two public hearings must be held on this document. Depending on state funding, a Public Hearing Draft could be available in the fall of 1988. Based on the comments received on the Public Hearing Draft, changes are made and the City Council must give Concept Approval to the revised Coastal Management Program. Concept Approval could take place by early 1989.

PUBLIC MEETINGS

- January 13- Scoping Session with Planning Commission
- March 11- Review of Draft Chapters with Planning Commission
- April 15- Public Hearing on Survey Results, Boundaries and Inventory/Analysis
- May 27- Direction from Planning Commission on Policies and Implementation

After local concept approval, the coastal management program is submitted to the State for approval by the Coastal Policy Council; this review and approval process takes a minimum of three months. Finally, the State Approved Program is submitted to the federal government for their approval. After jumping through all these hoops, federal, state and local permits must be consistent with the Whittier Coastal Management Program. This may sound like an ordeal, but 23 other Alaskan

municipalities and districts have decided it worthwhile to go through the process.

FOR MORE INFORMATION

For more information on the Whittier Coastal Management Program, you can contact the following people:

Duane Dvorak
City of Whittier
P.O. Box 608
Whittier, Alaska 99696
474-2327

Gordon Lewis
Community Planning
3605 Arctic Blvd. Box 2292
Anchorage, Alaska 99503
274-9719

THE ALASKA COASTAL MANAGEMENT PROGRAM

WHAT IS COASTAL MANAGEMENT?

In a Nutshell...

Coastal Management is a joint planning effort by local, state and federal governments and the private sector to manage coastal resources and promote their wise and balanced use. For the people of Alaskan communities, it is an important opportunity for meaningful participation in federal and state decisions that affect their lives. Coastal management works by requiring certain types of activities that need federal or state permits or approvals to be consistent with approved local district coastal management programs.

Coastal Management 101: A Brief History

In 1972, recognizing the need for sound management and conservation of the nation's coastal resources, Congress passed the Coastal Zone Management Act (CZMA). The CZMA established a national program to provide for the management, beneficial use, protection and development of coastal land and water resources. The federal program encouraged states to develop their own coastal management programs in response to the need for coastal resource planning. Federal agencies are directed to conduct or support activities directly affecting the coastal zone in a manner that is consistent, to the maximum extent practicable, with approved state coastal management programs.

The State of Alaska passed the Alaska Coastal Management Act in 1977, which provides for a state coastal management program (ACMP) based on a partnership of shared state and local management responsibility. It provides for the development of local district coastal management programs. The ACMP created the Alaska Coastal Policy Council, which includes 9 members from local government and 7 representatives of State agencies. The standards and guidelines adopted by the Council serve as both minimum requirements for preparing district programs and for determining the consistency of projects in areas where no local programs have been prepared and approved.

HOW DOES IT WORK?

Permit Reform

Coastal Management is tied to the State Permit Reform process, which creates a one-stop permit review and approval procedure for state and federal permit applications. The coastal management Consistency Review is part of this process. It does not create a separate, extra permit; any conditions for making a proposed action consistent with a coastal management program are attached to any state or federal permits the proposed action requires. Because the Consistency Review takes place within the Permit Reform schedule for issuing other state permits, coastal management adds no extra time to the permit approval process.

Review Timeline

Permits and coastal consistency are reviewed on one of two timelines: a 30 Day timeline and 50 Day timeline. the type of permit dictates which timeline applies.

WHO ARE THE PLAYERS?

Local Government: the Coastal District

District coastal management programs are developed by local residents and reflect the issues, resources, and policy guidance unique to a specific district. These programs are prepared by municipalities, or, for regions outside organized local governments, by elected Coastal Resource Service Area Boards. The district programs prepared are subject to review by the public and state and federal agencies, and approval by the local coastal board, the Coastal Policy Council, and the federal government. Since the creation of the Alaska Coastal Management Program, 23 municipalities and CRSA's have prepared district coastal management programs and received state approval.

Once it's program is approved, the coastal district has "due deference" or expertise in the interpretation and application of its program. This means the district's interpretation of its policies are important in the consistency determination, and contrary determinations by other review agencies must be thoroughly justified.

State Government: Review and Approval

Several state agencies have key roles in developing coastal management programs and participating in the consistency determination. They include the Office of the Governor, Division of Governmental Coordination (DGC); Alaska Department of Environmental Conservation (DEC); Alaska Department of Fish and Game (ADFG); and the Alaska Department of Natural Resources (DNR). These agencies have the opportunity to review a district coastal management program as it is being prepared and make comments. Any problems that state agencies have with a district program must be resolved before the Alaska Policy Council approves a district program.

Federal Government: More Review and Approval

After the Coastal Policy Council gives state approval, a district program is submitted to the Office of Ocean and Coastal Resource Management within NOAA for federal approval. Once approved, federal actions must be consistent with the district program.

Local Residents and Developers: Participants All Along

The ACMP requires extensive opportunities for public participation throughout the process of preparing a district coastal management program. Public comments are evaluated by both the Coastal Policy Council and NOAA during program review and approval. Take the opportunity to participate early and often in preparing the district program.

FOR MORE INFORMATION ON THE ACMP...

If you have further questions about the Consistency Review Process or the Alaska Coastal Management Program or the ACMP, contact:

Division of Governmental Coordination
P.O. Box AW
431 North Franklin Street
Juneau, Alaska 99811-0165
465-3562

EXAMPLE 7

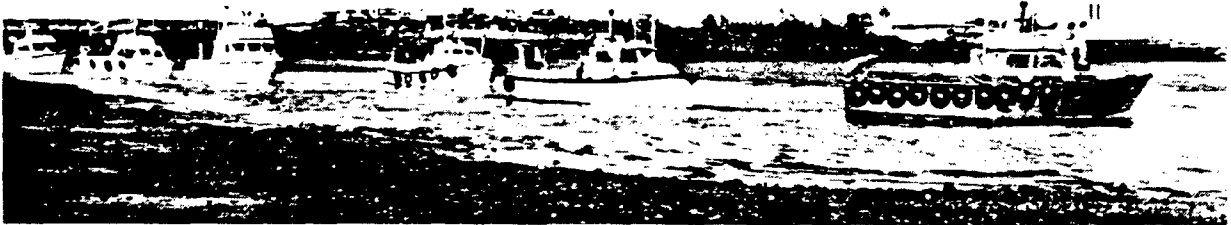
PUBLIC INVOLVEMENT

Bristol Bay CRSA Bristol Bay CMP User Guide

This 11-page document highlights key aspects of the District's CMP. Its purpose is to help local residents and representatives of development groups within the district understand:

- what management of the Bristol Bay coastline involves;
- the role of the CRSA in coastal management;
- the boundaries of the CRSA;
- the goals and objectives of the CMP;
- the permitting process; and
- the importance of public participation in the review of proposed projects and in enforcement of permit stipulations.

A fold-out map in a pocket of the guide indicates the geographic extent of the district's boundaries.



(Photo by Mark Weber)

Drift gillnet vessels leaving Dillingham's small boat harbor for an opening in the Bristol Bay salmon fishery

BRISTOL BAY COASTAL MANAGEMENT PROGRAM

User Guide

This document was produced under the direction of the Bristol Bay Coastal Resource Service Area (CRSA) Board:

Perry Adkison, Chairman	Dillingham
Joe Clark, Vice Chairman	Clark's Point
Ron Aaberg, Secretary/Treasurer	Pedro Bay
Randy Briggs	Ugashik
Wally Gust	New Stuyahok
Alice Ruby	Dillingham
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Preparation Team

Tim Hostetler, Director
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June, 1987

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Acknowledgements

The text of this document was written by Tim Hostetler. Typesetting, graphics, page composition and printing were all done electronically by TimeFrame, Anchorage, Alaska. Finally, the participation by people of the Bristol Bay region is much appreciated.

Bristol Bay CRSA Board
Box 849
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INTRODUCTION

The Bristol Bay region is one of the most culturally and physically diverse areas of Alaska. Three major ethnic groups inhabit the area: Yupik Eskimos; Aleuts; and the Athabascan Indians. Coupled with these groups are a sizable portion of residents of Scandinavian and Italian descent, whose forefathers appeared when the commercial fishery in the Bay began in the late 1800's.

Physically, the varied nature of the region is primarily due to its enormous size -- approximately 40,000 square miles. A variety of geologic processes have shaped the region's physical features, which range from volcanic mountains to coastal lowlands. Interspersed within these different landforms are a multitude of waterbodies which differ in size from 1,115 square mile Iliamna Lake (the largest lake in the State of Alaska) and the 14,100 square mile Nushagak River drainage basin, to small streams.

This great amount of freshwater and associated habitat provides the Bristol Bay region with a large amount of fish and wildlife resources that are recognized internationally. The Pacific salmon is a fish resource which is an intricate part of the local economy and lifestyle. It supports not only the local residents, but also, people that live outside of the region and the State. Wildlife resources, ranging from land and marine mammals to waterfowl, are also important.

Federal legislation adopted in the last sixteen years has greatly changed the landownership patterns in the Bristol Bay region. The Alaska Native Claims Settlement Act (ANCSA), enacted in 1971, resulted in the transfer of land from the public to private ownership. Through the 1980 Alaska National Interest Lands Conservation Act (ANILCA), a large amount of federal land was designated as conservation system units (parks, monuments and refuges).

Finally, many of the land selections of the state have also been placed in specific designations. Examples are Wood-Tikchik state park, the Walrus Islands state game sanctuary, as well as a number of critical habitat areas. As with the designations of federal land, these changes have affected the types of resource management that are utilized.

The value of this cultural and physical uniqueness that the Bristol Bay region possesses is the reason why management programs have been developed. The three levels of government participate in different ways to help use and protect it. Through these efforts are not only the resources themselves sustained, but also, the human activities which are dependent upon them.

This user guide intends to introduce both local residents and the representatives of development groups as to what management of the coastline in Bristol Bay entails and the specific role that the Bristol Bay Coastal Resource Service Area (CRSA) Board has in participating in the making of decisions affecting the management and use of the region.

MANAGEMENT OF THE COASTLINE

It has only been in the last 15 years that the federal government legally recognized the importance of the nation's coastline. The increasing misuse of this valuable part of the country resulted in the enactment of the Coastal Zone Management Act (CZMA) in 1972. This law provided direction and financial help to all coastal states in the development of coastal management programs.

In 1977 the Alaska legislature followed the federal government's lead and passed the Alaska Coastal Management Act (ACMA). Through the preparation of the Alaska Coastal Management Program (ACMP), which was federally approved in 1979, the administrative means for putting the intent of the ACMA into practice was accomplished.

Both the CZMA and ACMA recognized the importance of allowing local governments to participate in coastal management. The ACMP set up the framework from which the preparation of local coastal management programs could begin. Once approved at the state and federal levels, these local programs became a portion of the ACMP.

Two separate groups were specified in the ACMA: organized jurisdictions such as cities, municipalities and boroughs; and those areas in the unorganized borough. In this case, areas encompassing rural education attendance areas (REAA), located within the defined coastal boundary in the ACMP, could be organized into coastal resource service areas (CRSA).

The residents of Bristol Bay voted to form a CRSA in October of 1981. The area includes all of the Southwest and Lake and Peninsula School Districts (REAA 6 & 7), as well as the City of Dillingham. The first CRSA Board was elected in January of 1982. It is composed of seven members representing each of the



(Photo by Ken Taylor)

The village of New Stuyahok on the Nushagak River, with the Russian Orthodox church.



One of the many moose which inhabit the Bristol Bay region.

(Photo by Mark Weber)

following areas of the region: the Alaska Peninsula, Iliamna Lake, Nushagak River drainage, Nushagak Bay and Togiak subareas; and two representatives from the City of Dillingham because of its population size compared to the rest of the region. The Bristol Bay Borough (which includes the communities of Naknek, South Naknek and King Salmon) has developed and administers its own coastal management program.

A coastal management program for the region was then prepared. Three separate publications were produced: An Introduction to Coastal Management in Bristol Bay; Volume 1. Resource Inventory; Volume 2. Management Plan. All of these were distributed to state and federal agencies, private interests who had expressed interest in coastal management, as well as local governments.

Numerous meetings in the region's villages took place in order to explain the purpose of coastal management and receive local opinions on how it was felt that the coastal area should be managed. The Bristol Bay Coastal Management Program (BBCMP) was approved by the Bristol Bay CRSA Board in September of 1984. After review by many different public and private interests, the state's Coastal Policy Council approved the BBCMP on February 6th of 1985.

The final step in the development of the BBCMP was approval from the federal government. For the first time since the ACMP was approved, the federal Department of Commerce found that the addition of a local program to it was a significant amendment. This resulted in a review process which took two years to complete; included in this were a number of program revisions. Finally, in early February of 1987, the BBCMP received federal approval. With filing by the Lt. Governor on the 17th of February, it became a portion of the ACMP and assumed the status of law.



(Photo by Ken Taylor)

A portion of the Mulchatna caribou herd

THE COASTAL BOUNDARIES

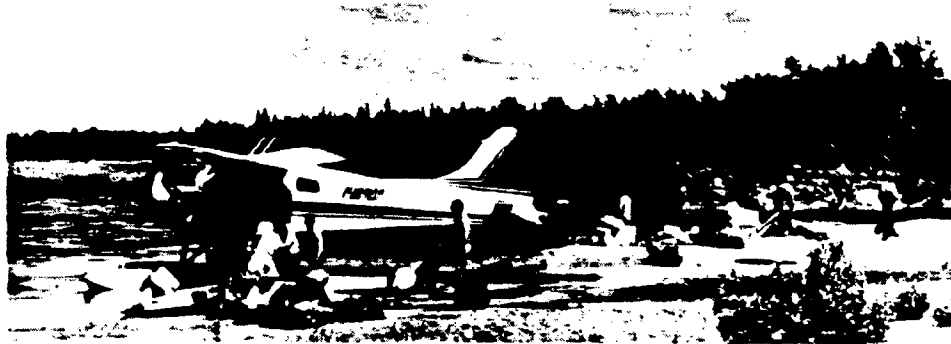
Although the Bristol Bay CRSA includes all of the previously mentioned school districts, this does not mean that any activity taking place in the entire region is automatically reviewed under the BBCMP. Only land and water activities in, or which directly affect, the "coastal area" will be subject to the program. It was the responsibility of the CRSA Board to define the boundaries of this coastal area and follow state and federal coastal management laws and regulations in doing so.

The State of Alaska developed the original coastal area boundaries during the preparation of the ACMP. It basically followed specific elevations. The 200 foot level was used on the Bristol Bay side of the Alaska Peninsula, with the 1000 foot level on the Pacific side. The offshore coastal area goes seaward to three miles, where federal jurisdiction begins. It was understood at that time that the inland coastal area boundaries were general and that they could be expanded upon during the development of local district programs.

Due to the extreme importance of fish and wildlife resources existant in the region, the Bristol Bay CRSA Board enlarged the coastal boundaries. Included beyond the original ACMP boundaries were all the lakes, rivers and streams designated by the Alaska Department of Fish and Game as anadromous (containing salmon) waterbodies.

Any activity taking place on these salmon waterbodies and within one mile of each bank is reviewed under the BBCMP. Also, all smaller streams which empty into these designated salmon waterbodies and a two hundred (200) foot corridor from each bank will be a part of the coastal area. Map 1 generally shows both the interim coastal boundary and the extension approved by the BBCMP. Greater scale maps are available at the Bristol Bay CRSA office.

Activities taking place in this coastal area, and which require permits from the state and federal governments, will be reviewed against the BBCMP. Agreements between the state and federal governments specify which activities must undergo a consistency review. Lands which are owned or held in trust by the federal government are not a part of the coastal area. However, activities which directly affect the coastal area, and the resources that depend upon it, must be consistent with the BBCMP. This includes all federal, state and private land.



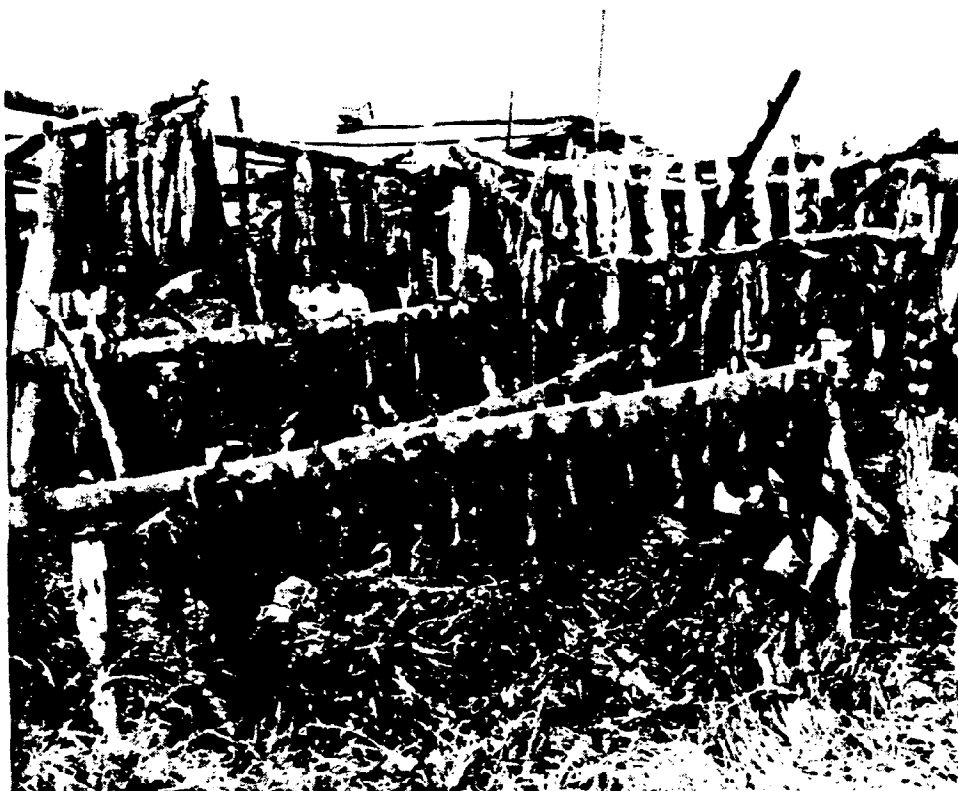
(Photo by Bob Lipchak)

Commercial recreation in the Bristol Bay region is a growing activity. Pictured above are sportfishermen on the Mulchatna River

THE FRAMEWORK OF COASTAL MANAGEMENT

The Bristol Bay CRSA itself does not have any permitting authority. As a result, the coastal management consistency reviews occur during the application process for federal and state permits.

The goals, objectives and policies contained in the BBCMP provide direction for the CRSA Board in the making of coastal management consistency determinations. Goals state the general intent that the Board uses in making determinations. It is the objectives which more specifically address what information is needed, and the methods that can be used, in order for the goals to be met. Finally, the policies are the enforceable part of the BBCMP which are used in justifying the determination by the Board. Table 1 shows a breakdown of the goals and policies that are a part of the BBCMP.



(Photo by Mark Weber)

Fish drying racks at the Lewis Point fish camp on the Nushagak River.

Table 1 -- Breakdown of the Goals and Policies of the BBCMP

Goals

- | | |
|--|--|
| 1. Fish and Wildlife | Maintain and enhance the natural productivity of fish and wildlife populations and habitats. |
| 2. Subsistence | Maintain the opportunity for continuation of the subsistence lifestyle in the Bristol Bay region. |
| 3. Settlement and Coastal Development | Maintain opportunities for the expansion of existing communities and the location of new resource development facilities in low hazard areas that will not lead to significant adverse impacts to fish and wildlife populations and habitat. |
| 4. Oil and Gas | Maintain opportunities to explore and develop the region's oil and gas resources in a manner that will benefit the region's residents and will not adversely impact fish and wildlife populations and habitat. |
| 5. Minerals | Maintain opportunities to explore and develop the region's mineral resources in a manner that will benefit the region's residents and will not adversely impact fish and wildlife populations and habitats. |
| 6. Transportation | Upgrade the existing transportation system to improve safety and better serve the region's needs. Maintain opportunities for future resource development which will not adversely impact fish and wildlife populations and habitat. Maintain the region's separation from the state road system. |
| 7. Energy | Encourage the conservation and efficient use of energy, as well as the development of cost effective renewable resource-based energy systems that will not adversely impact fish and wildlife populations and habitats. |
| 8. Recreation | Maintain the region's wide variety of high quality recreational opportunities in order to meet the needs of local residents as well as state, national, and international visitors. |
| 9. Historic/ Archaeological Resources | Preserve the important historic and archaeological sites and artifacts of the region. |

Policies

1. Coastal Development (8 policies)
2. Geophysical Hazards (1 policy)
3. Recreation (1 policy)
4. Energy Facilities (12 policies)
5. Transportation and Utilities (6 policies)
6. Fish and Seafood Processing (2 policies)
7. Timber Harvest (1 policy)
8. Mining (8 policies)
9. Subsistence (1 policy)
10. Habitats (9 policies)
11. Air, Land, and Water Quality (2 policies)
12. Historic and Archaeological Sites (2 policies)

Note: This provides a general breakdown on the uses and activities that have policies developed for them. The management plan (Volume 2) of the BBCMP contains the specific wording for each policy.

THE PERMITTING PROCESS

Many activities take place in the coastal area of the region which are reviewed for consistency with the BBCMP. They vary from the construction of a road across wetlands to the construction of commercial recreation facilities. In all cases the impact of a project on fish and wildlife populations and habitat as well as traditional uses is reviewed for consistency. Thus, they must apply for, and receive, permits in order to proceed.

In some cases it may be necessary for a developer to obtain a number of permits in order to proceed. The coastal management consistency review process is one where all of the needed permits are evaluated at the same time. Thus, the CRSA Board must interact with different federal and state agencies during the review as well as the project applicant and the local population which may be affected by a project. This is a very positive point of coastal management, as it provides for a comprehensive review of a project.

Table 2 lists the federal and state permits which go through the coastal management consistency review process. As can be seen, each permit deals with a specific part of the physical, biological and human environment. The consistency review process places state permits into three categories. Following is a brief discussion of these categories.

First of all are those permits referred to as categorically approved. They do not have an adverse impact on the resources of the coastal area and are automatically approved. Second are those that have been generally concurred with. In this case the projects are routine in nature and can be made consistent with coastal management by requiring that standard rules (referred to as permit stipulations) are a part of the permit.

Third are the permits which require an individual consistency review. Contained in this category are those which allow for activities to occur which have the greatest potential for causing harm to the coastal area and its resources. It is during the review of these applications that the CRSA Board can place specific stipulations on a permit.

It is through the permit applications that the CRSA board is informed of the exact type and location of a project. There are regulations which federal and/or state agencies must follow in administering their permitting authority. After communication with the developer and local residents, a determination can be made on whether the project is consistent with the BBCMP.

Some actions which are beyond these permitting activities are also reviewed under the BBCMP. Included are the development of resource management plans for specific designations under federal and state laws. In regard to conservation system units these include: federal parks/monuments (Katmai, Lake Clark and Aniakchak), and wildlife refuges (Alaska Peninsula, Becharof, and Togiak); and the state park (Wood/Tikchik). Other plans include the federal Bristol Bay Regional Management Plan and the state's Bristol Bay Area Plan.

Table 2 -- List of Federal and State Permits Reviewed for Consistency with the Bristol Bay Coastal Management Program

Federal Permits

Department of Defense: (Corps. of Engineers)

1. Permits to place and operate fish traps, weirs, or ponds in coastal and navigable waters.
2. Permits for structures or work affecting navigable waters.
3. Permits for discharges of dredged or fill material into navigable waters (under section 404 of the Clean Water Act)

Department of Energy: (Federal Energy Regulatory Commission)

1. Permits for non-federal hydroelectric project and transmission lines
2. Certificates of public convenience and necessity required for the construction and operation of natural gas pipeline facilities, including LNG terminal facilities.

Environmental Quality Commission: (Environmental Protection Agency)

1. Permits for pollution discharges (under section 402 of the Clean Water Act).

Department of Interior: (U.S. Fish and Wildlife Service)

1. National Wildlife Refuge Special Use Permits.

(Mineral Management Service/Bureau of Land Management)

1. Outer Continental Shelf oil and gas exploration and development plans.
2. Right-of-way approvals for pipelines on the OCS.
3. Coal exploration and mining plans
4. Plans of operations for geothermal development
5. Mineral Prospecting permits

State Permits

The following does not contain all of the permits contained in the ACMP listing for individual project review. Only those that have been applied for in the Bristol Bay region and those that have the likelihood of being applied for in the future are listed.

Department of Environmental Conservation

1. Air Quality Control Permit
2. Solid waste management permit
3. Reclassification of waters of the state
4. Waste disposal permit
5. Section 401 of the Clean Water Act certification for the discharge into navigable waters.
6. Oil discharge contingency plans for offshore facilities and onshore fuel storage facilities with a capacity of greater than 10,000 barrels.

Department of Natural Resources

1. Timber sales greater than 160 acres.
2. Sales of land by auction or lottery.
3. Homesite disposals.
4. Lease of state land.
5. Lease of tidelands.
6. Right-of-way or easement permits for roads, trails, ditches, pipelines, drill sites, log storage, telephone or transmission lines.
7. Material sales, except sales from approved upland sources.
8. Water use permits for water withdrawals from wells for 5000 gallons per day or more.
9. Water use permits for withdrawals from lakes and streams for 1000 gallons per day or more, except for withdrawals from sources classified as categorical approvals.
10. Oil and gas lease sales.
11. Offshore mining prospecting permit.
12. Offshore mining lease and sales.
13. Upland mining lease.
14. Production licenses to authorize commercial production from mining claims.
15. Approval of plan of operations or plan of development on leased lands.
16. General land use permits.
17. Tideland permits.
18. Miscellaneous land use permit for Geophysical Exploration and mining exploration and activity.

Department of Fish and Game

1. Anadromous stream permit.
2. Fish passage permit.
3. Permit for activities taking place in refuges, critical habitat areas and game sanctuaries.

Note: This list contains only those permits which are a part of individual project reviews.



(Photo by Mark Weber)

Roe-on-kelp harvest in the Togiak herring fishery.

PUBLIC PARTICIPATION IN MANAGEMENT OF THE COASTLINE

The importance of public participation in the management of Bristol Bay's coastal area can not be overstated. Many studies have been produced which show resource use areas and populations of different fish and wildlife species. Information contained in these studies is essential in the Bristol Bay CRSA Board's making of consistency determinations. Providing this information to the interests undertaking development projects and local residents can help achieve the goal of reasonable and balanced management of the coast.

Exchange of information between development interests and the CRSA Board can be very important. The relationship of the location of the project to fish and wildlife habitats and subsistence use areas is something that the Board always looks at in the applications for permits. Early involvement can allow for modifications in the project to take place that are acceptable to both the development interest and the CRSA Board.

During this part of a review, the CRSA board will inform the local residents of the project. This is why the board has made it a practice of providing villages located near a project with copies of the applications. The local residents of the region can be beneficial in providing specific information on the resources and traditional activities that may be affected by a project.

It is important that the applicant complies with the rules that are placed on an approved permit. Specific times in which a project can take place are usually included in the permit; this reduces the impacts to fish and wildlife populations. The large expanse of land and water make it difficult for governmental staff to monitor a project.

This is the reason that local residents are essential in alerting the Board when a permitted activity is not being done in the manner that was required in the approval. Development interests should also contact the CRSA if a rule contained in the permit approval can not be complied with. At that time it will be determined if the rule should be lifted from the permit.

It is also important for local residents to communicate with the Board on new activities taking place which have not been reviewed under the BBCMP. With knowledge of these illegal activities the CRSA Board can set in motion the means to correct them. Again, this is necessary given the size of the Bristol Bay region and the small amount of governmental staff to monitor activities that occur in the region.

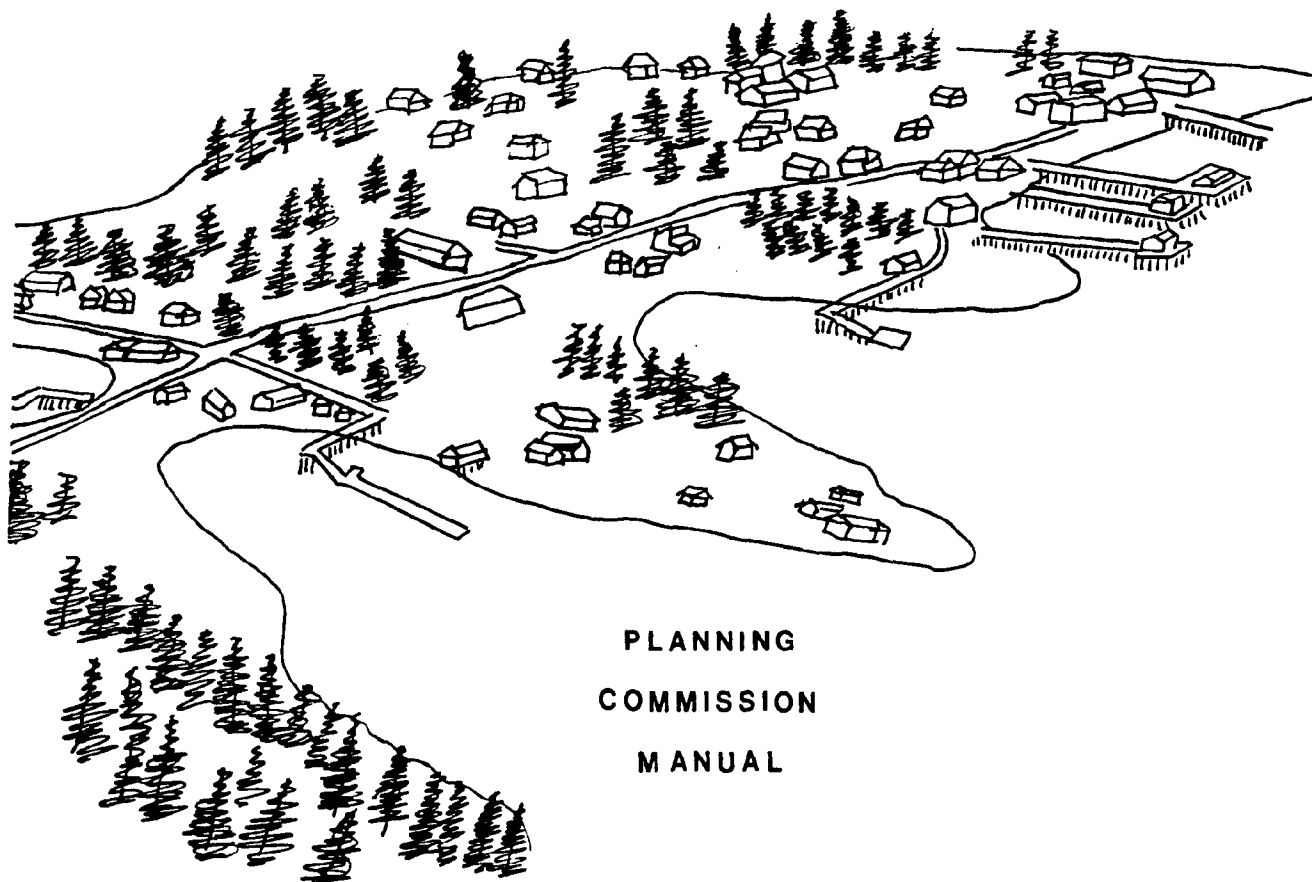
The formation of the Bristol Bay CRSA was largely motivated by the desire of local residents to have more control over development in the region. Without an informed public, however, this local program will be no better than any of the other plans developed at the federal or state level. Hopefully, this guide will help accomplish that goal.

EXAMPLE 8

LOCAL LAND USE PLANS

City of Craig Planning Commission Manual

This document is a very readable explanation of the different terms, regulations, and decision processes a planning commission is likely to face. It is written with a good sense of humor. Each explanation is short and to the point. Many of the explanations of terms, planning decision-making, and what it's like to be a planning commissioner could be directly applicable to your district.



PLANNING
COMMISSION
MANUAL

CRAIG, ALASKA

BY CITY PLANNER: Becky Achten

PLANNING COMMISSION MEMBERS:

Greg Mickelson - Presiding Officer
Richard Trojan - Deputy Officer
Ellen Hannon
James Seley
Kim Patotzka

MAYOR: James Sprague

EXECUTIVE ASSISTANT TO THE MAYOR:

David R. Palmer

CITY COUNCIL MEMBERS:

Bob Sabin
Barb Fields
Patsy Aubuchon
Lee Axmaker
Doug Rhodes
Bill Tremblay

May 1987

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PLANNING COMMISSION MANUAL

CRAIG, ALASKA

A SLICE OF LIFE ON THE LAST FRONTIER

Since the American Revolution, we have had an aversion to government restrictions on private land. The settling of the Western Frontier was made by independent people who wanted the freedom to control their own lives, to own their own land and to "do their own thing." Many people move to Alaska, the Last Frontier, for the same reasons. There should be, it seems, one place which is not strangled by the red tape of modern life.

Craig should be such a place. Local T-shirts read, "It's not the end of the world, but you can see it from here." But instead of having an abundance of land where we can all do our own thing without affecting any other individual, we are squeezed into a small land area with a high density of people.

The scarcity of land makes it expensive. As a result, land is divided into small lots; the small lots are crammed full of houses, cars, boats, etc. Nothing that is potentially usable within the next decade is thrown out because spare parts and other items can be hard to come by on an island

where rain, wind, and the dark of night often halt the U.S. Mail.

Not only are we storing everything under creation on the small lots in Craig, we are doing everything under the sun on these same small lots. Our fluctuating, seasonal economy makes it necessary to be a jack-of-all-trades and a seller-of-all-goods in order to survive.

Unfortunately, with many individuals doing their own thing in a small area, conflicts arise. Craig citizens 1 and 2 are starting their log trucks at 5 A.M. and testing and repairing outboard motors in the back yard from 6-9 P.M. while Craig citizens 3 and 4 and their young children are trying to sleep. Craig citizen number 5 has invested his savings in his new dream house; Craig citizen number 6 moves in next door with his rusty junked cars, and collection of lifeless boats. Neither is right or wrong; all are justified in what they want to do and how they choose to live. Nevertheless, problems are created. Problems may be minor inconveniences, nerve wracking irritations,

assaults on aesthetic perceptions, and other things which affect our quality of life; or they may be more serious health and safety problems.

WHY DOES CRAIG HAVE A PLANNING COMMISSION? AND WHAT DOES THE PLANNING COMMISSION DO?

In order to resolve these problems or land use conflicts and in order to plan a city with fewer future problems, the Craig Planning Commission was established.

The Planning Commission seeks to resolve potential problems in the community by adopting a comprehensive plan for the City and a land use ordinance. Public hearings are held to discuss what type of community residents want to live in, what the problems are, how current problems may be resolved, and how to effect positive changes in the community. The results of these hearings are translated into a comprehensive plan and a land use ordinance which direct the community toward its goals.

The Planning Commission meets regularly the fourth Thursday of each month to deal with applications for land use actions prescribed by the land use ordinance (i.e. conditional use permits, subdivisions, variances, etc.). The purpose of the hearings is to get opposing parties together to discuss potential problems and resolutions; to consider the pertinent facts; and decide to approve, deny, or to approve subject to conditions, which are designed to resolve problems.

The Planning Commission consists of five community members who are appointed by the mayor and confirmed by the City Council. Three commission members must attend to form a quorum and make a decision.

The Planning Commission's authority under State law for planning and platting is explained in Title 29, 29.40.010.

WHAT IS A COMPREHENSIVE PLAN?

According to Alaska Statutes, 29.40.030, a comprehensive plan is "a compilation of policy statements, goals, standards, and maps guiding the physical, social, and economic development, [of the City] both private and public."

COULD YOU RUN THAT BY AGAIN?
WHAT IS A COMPREHENSIVE PLAN?

A comprehensive plan is a sketch or blueprint of what residents want for their community. It is based on public opinion and information gathered on a range of topics about the city. The plan indicates the type of community residents want; which areas should be developed and which should be protected and why; where different types of development (residential, commercial, etc.) should be located; and other land use considerations.

The plan also indicates how the City will attempt to put the plan into effect.

The Craig Comprehensive Plan contains a statement of goals which explain what people

want for their community. Better housing, more recreational opportunities, and opportunities to comment on proposed development are examples of goals included in Craig's Comprehensive Plan.

The Plan also contains policies which serve as a guide to present and future decisions. The policy statement which is aimed at achieving the goal contains a "rationale" or reason for the policy and an "implementation" which explains what concrete action is proposed.

The following is an example of how goals and policies work together:

GOAL: Better housing and improved neighborhoods

POLICY: The City shall support improving housing quality and upgrading neighborhoods without decreasing the supply or increasing the cost of housing.

RATIONALE: To maintain property values, To respond to public opinion, To improve housing quality, To improve construction techniques which will eventually provide savings on maintenance costs, To make it easier to finance housing, To recognize that floathomes, liveaboard boats, and travel trailers account for 31% of the housing stock in Craig

IMPLEMENTATION: Adoption of three residential zones with different lot sizes and permitted uses, Permitting only the temporary use of travel trailers as permanent residences on city lots, Provision for common wall and zero lot line develop-

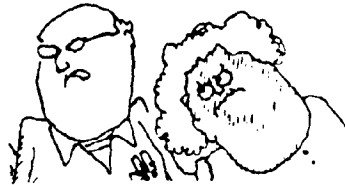
ment, Implementation of zoning to separate commercial and industrial uses from residential areas, Adoption of the revised editions of the building and fire codes, Designation of the Floathome Area

The Craig Comprehensive Plan also contains information about history, economy, population, housing, recreation, public facilities, future community needs, land ownership, proposed land uses, natural hazards, and other related information. This information is used in the planning process to attempt to resolve major land use problems, to promote economic stability by reserving essential lands for industrial and commercial development, to provide for the safety of persons and property, and to provide for a community balanced with its natural surroundings.

Often the affects of a comprehensive plan are not visible for ten years or more. The plan generally does not produce overnight, dramatic results. Gradually, however, the plan moves the community toward its goals.

PUBLIC OPINION AND THE
PLANNING COMMISSION--YOU
WON'T ALWAYS BE KNOWN AS
THE GOOD GUYS

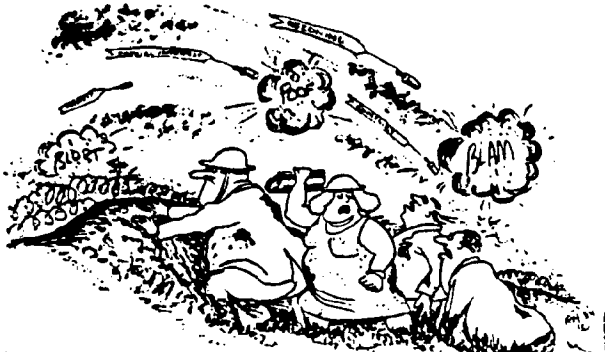
Perhaps you are familiar with the old saying (edited for our own purposes), "You can satisfy some of the people some of the time, but you can't satisfy all the people all of the time." A planning commissioner might feel like adding, "You can't satisfy anyone no matter how hard you try.!"



Planning commission decisions which affect private property are often highly controversial and unpopular. Especially in a small town, a planning commission member will probably be acquainted with both the applicant and opponents of a land use action. This may create uncomfortable situations where a commission member is put on the spot.

The Craig Land Development Code, the local land use ordinance, provides guidelines for making decisions so that all applications are treated equally. These guidelines or "Required Criteria for Approval" should help to keep planning commissioners from subjective and emotional involvement at the hearing. Either an application meets the Required Criteria for Approval or it does not.

But don't be fooled. Decisions are usually not clear-cut. Each party has a reasonable stand which must be judged against the Criteria. Often reasonable compromises may be reached; however, many times either one party or the other leaves the hearing dissatisfied.



So this is public service?-

DISMISSAL FROM THE PLANNING COMMISSION

A planning commission member may be dismissed from the Planning Commission if he leaves the city for ninety days or more, misses three or more consecutive regular meetings and is unexcused by the commission, or is convicted of a felony or a violation of the oath of office (Section 18.02.009)

Consistent attendance is vital since failure to have a quorum may result in unnecessary delays for an applicant who wants to begin construction or business.

MORE ABOUT THE "REQUIRED CRITERIA FOR APPROVAL"--THE KEY TO PLANNING COMMISSION DECISIONS

Each section of the ordinance which deals with a land use action (Conditional Use Permit, Variance, Subdivision Ordinance, etc.) includes a section entitled "Required Criteria for Approval." This section is important because it contains the standards by which an application is approved, amended, or denied.

The purpose of the Required Criteria is to insure that 1) applicants are aware of the standards required for approval 2) attempts are made to consider all potential problems at the hearing, 3) that each application is reviewed by the same standards, 4) that decisions are fair decisions based on objective, factual considerations rather than personal, emotional, or political elements, and

4) that the record clearly indicates why and how a decision is made.

USE OF THE REQUIRED CRITERIA FOR APPROVAL

During the hearing, information relating to the Required Criteria for Approval should be requested by the Planning Commission so that facts pertaining to the Criteria may be gathered. It is important not only to indicate if an application meets or does not meet a specific criteria but also to show why the application meets or does not meet the criteria.

Consider the following example of the facts necessary to show why a Conditional Use Permit application meets one of the Required Criteria.

REQUIRED CRITERIA: "That the location, size, design, and operating characteristics will mitigate conflicting uses." At first glance this may sound like something which is more applicable to projects in outer space than in Craig! But all this criterion is asking is whether the size, design, and location of the building and the way the use will be operated (i.e. hours of operation, equipment used, etc.) will or will not cause problems with surrounding properties.

In order to make this determination, the Planning Commission needs to know the facts about size, design, etc. so that it can decide why the proposal will or will not cause problems.

In our example, the request is for a Conditional Use Permit for a helipad.

FACTS--SIZE, DESIGN, AND LOCATION: 1) The helipad will be a 30 x 30 foot wooden platform 30 inches from the finished grade located on a 16,900 sq. ft. lot. 2) The helipad will be located 25 feet from the southerly and easterly property lines and 75 feet from the northerly and westerly property lines. 3) Fuel will be stored in a 10 foot by 20 foot area enclosed by a six foot fence 4) Construction and design comply with adopted building and fire codes. 5) Established uses on surrounding areas include a junkyard and heavy equipment repair shop. Adjacent properties are zoned for industrial uses.

FACTS--OPERATING CHARACTERISTICS 1) There will be four daily flights, Monday-Friday between 9AM and 10PM. 2) Proposed flight patterns pass over residential areas lying to the east. 3) Emergency flights could occur at any time (average number for the area is two per month).

With these facts in mind, the Planning Commission begins the process of deciding why the proposed use will or will not cause problems with the surrounding areas. Potential problems are identified through consideration of the Required Criteria for Approval, by consideration of objections and comments raised during the hearing, and by the planning com-

mission members themselves. At the hearing on this application, the following potential conflicts were identified: 1) Residential property owners within the proposed flight pattern were concerned about noise levels, in particular, noise levels at late hours 2) The adjacent property owner who owned the junkyard objected to the location of the fuel storage area because he had plans to locate a watchman's residence adjacent to the area. Utilities were already to the location and he did not want to change the location.

How should the Planning Commission attempt to resolve these issues?

CONSIDERATIONS AND COMPROMISES #1 One planning commissioner asked if the flight patterns could be changed to approach from the north rather than from the east thereby avoiding patterns passing over residential areas. #2 The applicant stated that the altitude they would be flying over residential areas was high enough that noise would be minimal. A planning commissioner asked if they could set a date for a test flight before the application was approved so that homeowners could judge the noise level for themselves #3 The applicant stated that the hours of operation could be changed so that the last flight of the day would occur at 8PM. #4 The adjacent property owner asked if the fuel storage area could be moved to the opposite side of the lot so that it would not interfere with the

location of the watchman's trailer. The applicant had no objections. 5) A planning commissioner objected to the location of the helipad close to the watchman's residence. The owner of the junkyard stated that he had no objection to the location since he hoped that the noise might keep the watchman awake. The commissioner asked for clarification of the rules and regulations applying to the location of the residence near the helipad site. His concern was safety.

The planning commission discussed the possibility of postponing the decision until the next meeting in order to have time to make the test flight over the residential area. The applicant asked for time during the hearing to discuss the flight patterns with his engineer and to discuss possible relocation of the fuel storage tanks with the adjacent property owner.

The planning commission called a recess. After the recess, the applicant stated that a change in the flight pattern would involve adding a few miles to the majority of the flights but that he was willing to make the change to avoid complaints from the community. He also stated that scheduling the last flight at 8PM would be suitable. During the recess the Planning Commission chairman consulted authorities to determine required distances between the helipad and residential uses while the adjacent property owner agreed to shift the location of the watchman's

trailer ten additional feet from the common property line.

DECISION: The Planning Commission determined that location, size, design, and operating characteristics of the proposed helipad mitigated conflicting uses because flight patterns were changed so that they did not pass over residential areas, hours of operation were changed to 9AM-8PM with late night flights cancelled and the location of the fuel storage area and the pad itself were changed to accommodate uses on adjacent properties.

As this example indicates, a planning commission decision may involve more than approving or denying an application. Decisions may involve reaching compromises which satisfy both parties.

Most of the Required Criteria for Approval are fairly straight forward although you may need clarification on some criteria if you are unfamiliar with the ordinance.

The most complex Required Criteria is "That the proposal is consistent with the Craig Comprehensive Plan, the Craig Coastal Management Plan and the Craig Reconveyance Plan. To determine consistency, you need to look at the Policies of the Comprehensive Plan, the Enforceable Rules of the Coastal Plan and the map of the Reconveyance Plan.

REGISTERING YOUR VOTE

The most important thing to remember when registering

your vote is to VOTE REASONS, NOT OPINIONS. For example, "I am voting "no" on this application because it would increase truck traffic in residential areas and on narrow streets not designed for this type of traffic," is a better statement than "I am voting "no" because there are so many people here against the proposal that it must not be right for the neighborhood." The unpopularity of an application, particularly in a small town, may be tied to personal feelings about the applicant rather than the valid reasons which are specified in the "Required Criteria for Approval." By tying approval or denial to the same criteria, all applicants receive a fair hearing.

CONDUCTING A FAIR HEARING

Conducting the Hearing

Planning commission hearings in Craig are generally run rather informally. This atmosphere stimulates public discussion and works well in most instances.

However, when issues are controversial and there is a crowd or a few very vocal individuals present, the informal format does not work. The planning commission presiding officer must assume an authoritative role by 1) requiring that a person be recognized before speaking 2) by permitting only one person to speak at a time 3) by keeping the audience quiet--especially applicants and opponents who may argue out of order

and 4) by limiting time for testimony, if necessary.

A heavy hand on the gavel is required in these instances. It may be helpful to designate one chair for those who want to address the commission and require those testifying to come forward in order to speak.

It is important for planning commission members to remain calm and civil to avoid provoking hearing participants. By remaining calm and objective rather than aggressive and emotional, all are assured that a reasonable, fair decision will be reached.

Types of Hearings--Site Specific or General

When hearings are held to decide a site specific issue such as a zone change, conditional use permit, variance, etc., case law demonstrates that hearings must be fundamentally fair. The applicant must have a reasonable opportunity to present his case and to rebut evidence against him. Opponents and other interested parties must have a reasonable opportunity to present their case. All interested parties must receive reasonable notice prior to the hearing. Procedures prescribed by the Land Development Code insure that these requirements are met.

In addition, planning commission members should not have pre-hearing (ex-parte) contacts which hinder their impartiality.

On the other hand, when

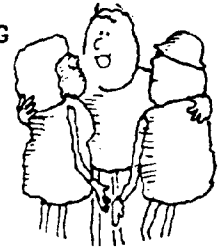
hearings deal with issues of a general nature involving a large area and a number of property owners or a matter of broad public policy; hearings may be conducted without requirements for individual notice and with no prohibition against receiving information outside of the hearing. The hearings on the comprehensive plan fall into this category. All post office box holders in Craig were notified of the hearings on the comprehensive plan, but this notice was not required by law.

There is no prohibition against receiving information outside of the hearing because this type of hearing usually affects the community in general rather than one person or group of persons in particular.

EX-PARTE OR PRE-HEARING CONTACTS

As previously mentioned, when planning commission members are deciding site specific issues such as conditional use permits, variances, subdivisions, etc; they should come to the hearing with an open mind not prejudiced from pre-hearing discussion. It is recognized that there is a countervailing public right of free access to a public official on any matter.

Therefore, if pre-hearing contacts have occurred, members should reveal any contacts before the hearing. This way, the other party will have a chance to rebut the pre-hearing evidence. If the commissioner feels that



he can decide the matter impartially without prejudice, he should state this fact and participate in the hearing. If he feels that he cannot vote impartially, he should abstain.

TO ABSTAIN OR NOT TO ABSTAIN?
THIS IS A TOUGH QUESTION.

A planning commission member is required to abstain from voting on an issue if he stands to make a substantial personal or financial gain or substantial financial gain for a spouse, child, mother, father, or business with which the member is associated or in which the member owns stock.

If a commission member owns property within the area entitled to receive notice of the public hearing AND has personal interests or concerns rather than purely public interests and concerns with the proposal, he should abstain. If the member feels that his interests are public rather than private interests and concerns, he should make this statement on the record and request to participate in the hearing.

If a majority of the members of the Planning Commission feel that the commission member cannot vote impartially, THEY MAY VOTE TO DISQUALIFY THE MEMBER. You may read about this procedure in detail in Section 18.02.040.

THE OPEN MEETINGS ACT

The Alaska Open Meetings Act (AS 44.62.310) is a statute requiring that government meetings be advertised and open to the public. Open

meetings acts were spawned in the 1950's in response to perceived abuses of power at all levels of government.

The Alaska Open Meetings Act is controversial and subject to interpretation. The following information regarding the Act is taken from a memo by Deputy City Attorney for Juneau, John Corso.

A "meeting" according to the act is a discussion of public business. Any fact gathering, investigation, or discussion in regard to public business, whether it is formal or informal, is subject to the Act.

Legal opinion indicates that two or more public officials discussing public business may be considered a meeting subject to the Act.

In order to be assured that you as a Planning Commission member are not violating the Act, consider the following:

1) If yourself and one other commission member are swapping fish stories or participating in other unorganized conversation, the risk of violating the Act is low.

2) If a quorum, three members, are together and you begin gathering facts, exchanging ideas, suggesting approaches, or otherwise dealing with matters of substance in regard to the public business of the Planning Commission; the risk increases.

3) The more members present and the more you are involved in reaching a decision, the

more liable you will be to violate the Act.

Exceptions to the Open Meetings Act include the possibility of recessing into executive session 1) if you are discussing matters, the immediate knowledge of which would clearly have an adverse impact on government finances 2) if you are discussing subjects which would prejudice the reputation and character of a person unless the person requests a public discussion and 3) if you are discussing matters which are by law confidential.

Before you recess into executive session, you must convene the meeting and vote on holding an executive session.

THE BURDEN OF PROOF OR WHO SHOULD BE PROVING WHAT TO WHOM

The burden of proof or the responsibility for demonstrating that an application meets the Criteria for Approval lies with the applicant. The City's Comprehensive Plan is based on data, research, and public opinion gained from numerous public hearings. It is the applicant's responsibility to prove to the Planning Commission that what he wants to do will avoid future problems involving the public health, safety, welfare, or quality of life in Craig.

When an application is made for a land use action, the applicant is given a copy of the Required Criteria for Approval so that he knows what he must prove.

RECORDS OF THE HEARING

Minutes

It is important to have a permanent record of Planning Commission hearings and decisions.

Minutes of the meeting provide a permanent record of the attendance, testimony, and results of the hearing.

Resolutions

To insure that an accurate record is kept of Planning Commission decisions, all formal actions made by the Planning Commission must be by resolution.

The resolution, which addresses all of the Required Criteria for Approval, serves as a permanent record of the reasons why an application was approved, approved subject to conditions, or denied.

The resolution becomes extremely important if a decision is appealed.

APPEALS

Planning Commission decisions may be appealed within 30 days to the City Council. Council decisions may be appealed to the Superior Court.

The ordinance requires that three Planning Commission members be present at the appeal in order to answer any questions the Council may have. If three members fail to attend the first Council appeal, the appeal may be heard without their presence at the next City Council meeting. See Section

18.04 of the Craig Land Development Code for details on appeals.



ENFORCEMENT

The Enforcement section of the Craig Land Development Code provides two courses of action. If a permit has been issued and violated, a citation may be issued giving the person 30 days notice of a Planning Commission hearing to decide the issue.

When a violation occurs and no permit has been issued or when there is an emergency situation, an Enforcement Order (Section 18.03.005) may be issued requesting discontinuance of any activity which does not comply with the ordinance.

Violations are considered misdemeanors and are subject to a fine of up to \$1000 and/or a jail term of up to 30 days. Each day the violation continues after a citation or enforcement order is considered a separate violation.

ZONE DESIGNATIONS

Most property within the Craig City Limits is zoned. Refer to the zoning maps. Within each zone different uses are

either "Permitted Uses", or uses allowed outright with no public hearing or "Conditional Uses" which are uses which cannot be established without a public hearing to approve, modify, or deny the use.

Each zone also has Property Development Standards which state the minimum lot size, density, setbacks, building height, regulations for signs, fences, etc. You need to review each zone to determine what is appropriate for proposals in the zone.



RESIDENTIAL ZONES

The Low, Medium, and High Density Residential Zones have different permitted uses which involve differences in the types of housing permitted in each zone. For example, the Low Density Residential Zone allows houses, modular homes, and duplexes; the Medium Density Zone allows the aforementioned housing plus triplexes and mobile homes at least 12' x 40' in size while the High Density Residential Zone adds fourplex apartments and mobile

homes at least 38 feet in length to the list of permitted uses.

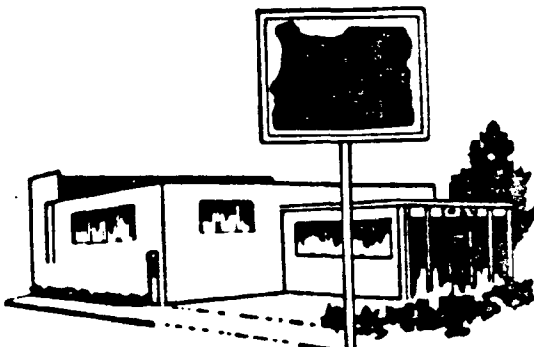
The High Density Residential Zone covers the most land area in Craig. The 6000 square foot minimum lot size is exceptionally small and often does not provide sufficient room for garages, woodsheds, or parking for cars, boats, etc.

Many people favor enlarging the minimum lot size. If and when additional residential lands are opened for purchase and development through reconveyance, the minimum lot size should be increased.

COMMERCIAL AND INDUSTRIAL ZONES

Commercial and Light Industrial Zones

Commercial and light industrial zones are structured so that Permitted Uses are those uses which are generally compatible due to the lack of noise, odor, smoke, or other pollutants which could cause problems with surrounding uses.



Setbacks in commercial and light industrial zones have been reduced, in some cases, so that buildings may be built on property lines as long

as building plans are approved by the State Fire Marshall.

Marine Industrial Zone

The purpose of the Marine Industrial Zone is to reserve first priority for water dependent and water related use while insuring that the property owner has a wide range of non-preemptive interim uses.

Due to the scarcity and expense of land inside the City, a wide range of interim uses is allowed on marine industrial land. Only uses which would preempt or prevent the eventual establishment of water dependent and water related uses are prohibited by the ordinance.

Heavy Industrial Zone

Land appropriate for heavy industrial uses is scarce within the City. Through the Conditional Use Permit process, less intensive light industrial uses may be established on findings that the uses will not interfere with future heavy industrial uses and that there are no alternative sites.

Throughout the zoning ordinance attempts are made to reserve critical lands for specific purposes without unduly restricting the private land owner. This flexibility is necessary until additional lands are unlocked for purchase and development. Currently, the limited availability of land and the fluctuating resource based economy make this flexibility essential to the economy of the community. Residents can usually afford only one parcel of

land and must attempt to use it for a variety of uses.

SPECIAL ZONES

There are several special zones in the ordinance. The Reconveyance Reserve zones are temporary zones which the City established to monitor development on lands it has requested for reconveyance from Shaan-Seet.

In the past, the proposed hospital site had been relocated twice due to continued development by the village corporation on potential reconveyance lands. Since there is no specific date by which reconveyance must be completed, if the City did not exert influence on the development of lands it has selected for reconveyance; continued development could preclude the use of the land by the City. The City owns only 1.5 acres of vacant land which is not planned for the expansion of existing facilities or parks. Reconveyance lands are essential to the City's future.

Temporary Reconveyance Reserve Zones

Temporary Reconveyance Reserve-General

This zone permits a range of residential and public uses outright. Subdivisions, mobile home parks, recreational vehicle parks, etc. are permitted outright but must be approved through applicable ordinances (i.e. Subdivision Ordinance, Mobile Home Park Ordinance, etc.) These ordinances have Required Criteria for Approval which

address the compatibility of proposed uses with existing uses. Other uses may be approved through the Conditional Use Permit process.

Temporary Reconveyance Reserve-Marine Industrial and Heavy Industrial

Marine industrial and heavy industrial uses are permitted on findings that they are consistent with the City Reconveyance Plan.

Planned Unit Development Zone

A Planned Unit Development is a parcel of land at least five acres in size which is innovatively developed so that strict application of the subdivision design standards and zoning ordinance may be varied without negative impacts on the community or the environment.

A development planned with compatible commercial uses such as neighborhood grocery stores or a development planned with open space areas in exchange for smaller lot sizes are examples of Planned Unit Developments. Another example is the development of an industrial site compatible with surrounding residential uses. By using the topography, landscaping, and other measures to control noise, odor, smoke, and other pollutants, the industry and surrounding residential areas may be made compatible.

OVERLAY ZONES

An overlay is an additional zone designation which imposes special restrictions in addition

to the basic zone designation. The overlay usually identifies an area within the basic zone designation which needs some type of special consideration.

Special Considerations Overlay

The Special Considerations Overlay is applied to areas which need special consideration due to existing natural hazards, environmentally sensitive areas, or other characteristics which require additional review.

Slopes greater than 25%, a landslide hazard area, anadromous fish streams, historic areas, Crab Bay, and the hillside above Craig have been identified as areas which require special consideration.

The Protected Area of Crab Bay and the windfirm buffer around a portion of Crab Bay were designated by the Craig Coastal Management Program and their protection implemented through the Special Considerations Overlay in the zoning ordinance.

When the Special Considerations Overlay is applied, Section 18.05.020 details what is required in order to review proposed development.

Limited Marine Industrial Overlay

This overlay is applied to the southeasterly tidelands of Craig proper. The area is zoned Marine Industrial; however, before a marine industrial use is established, a hearing is held to determine if there are any ways the use may be constructed, located, operated or otherwise modified

to make it compatible with surrounding residential uses.

In the case of this overlay, the hearing is held NOT to determine whether a marine industrial use is to be permitted, but rather what conditions, if any, will be placed on the permitted use.

PROPERTY DEVELOPMENT STANDARDS

Property development standards are listed under each zone. Property development standards address 1) minimum lot size 2) density or the number of separate living (dwelling) units permitted on each lot or parcel 3) setback requirements 4) maximum building heights 5) the number of required parking spaces 6) fences and walls and 7) visibility at intersections.

Density

Most of these standards are fairly straightforward although you need to read them carefully. Density may be confusing. You need to remember the difference between a "dwelling structure" which is one building (i.e. one apartment building, one duplex, one house, etc.) and a "dwelling unit" which represents the actual number of separate living units (i.e. number of apartment units).

Building Height

All zones restrict building height to 30 feet in height measured from the ground to the roof eaves due to the fact that the Craig Fire

Department does not have the equipment to protect taller buildings.

REVIEW PROCEDURES

Conditional Use Permits Section 18.06.002

Conditional Use Permits are designed to permit certain uses considered to be desirable to the community but which because of their nature should not be permitted in every location within a zone.

Conditional uses may or may not cause problems with surrounding uses. A hearing is held to determine if the use and the way it is operated will be compatible with the neighborhood and avoid causing problems.

Conditions may be placed on the approval of a Conditional Use Permit to insure that the use will not cause problems with surrounding properties. Section (18.06.002 L) lists some of the conditions which may be attached. In addition, permits may be issued for a limited time subject to another review at the end of a specified time period.

The conditional use process is also used to insure that development is safe in areas where potential hazards exist, that proposed development does not affect important habitat and natural areas, and that future City land needs are not precluded by inappropriate development on potential reconveyance lands. For example, by using the conditional use procedure the Planning Commission may require that buildings built

on steep slopes are specially engineered, that vegetation is reserved around an important estuary to protect water quality and salmon habitat, or that proposed development will not interfere with a planned hospital site on land selected by the City for reconveyance. Again, all decisions are based on the objective standards found in the Required Criteria for Approval.

Whenever a Conditional Use Permit is reviewed, it is important to check through the Required Criteria for Approval, Section 18.06.002 C-K. These sections list the Additional Required Criteria for Approval which may be necessary for Conditional Use Permit applications in the Heavy Industrial Zone, the reconveyance zones, the Special Considerations Overlay, etc. Be sure to review these to insure that all the Required Criteria have been considered.

Variances Section 18.06.003

A variance is an exception to a standard in the ordinance. Variances cannot be given for uses not allowed in a zone.

Most variances will involve an exception to a required setback. The purpose of a setback is to provide for fire safety, for access for fire fighting equipment, for privacy, air, and sunlight, and to insure that buildings are not built beyond property lines.

Approval or denial of variances must be based on

the Required Criteria for Approval in the ordinance.

Land Use and/or Zone Changes
Section 18.06.004

A land use and/or zone change will occur when a person wants to change the use of his property. The application will be only a zone change if, for example, the requested change is from one residential zone to another residential zone.

If the change is from a residential land use and zone to a commercial land use and zone, the application would be both a land use and zone change.

Temporary Use Permit
Section 18.06.005

If someone wants to provide for a short term change of use on their property, they may apply for a Temporary Use Permit which may be granted for a maximum of one year. Almost any use may be requested on a temporary basis.

In most zones, a Temporary Use Permit must be obtained before placing a travel trailer (less than 38 feet in length) on a lot within the City.

Some temporary uses may be granted without a hearing; others could potentially create conflicts and must be reviewed at a public hearing.

MOBILE HOME PARKS
Chapter 18.07

In Craig's ordinance, a mobile home park is defined

as three or more mobile homes travel trailers, and/ or motor homes located on one lot or parcel.

Therefore, anytime 3 or more mobile homes (or travel trailers, motor homes) are to be located on one lot or parcel, the application must be reviewed under the Mobile Home Park Ordinance. Much public opinion favored holding public hearings for mobile home parks so that adjacent land owners would have an opportunity to comment.

The Planning Commission's responsibility is to review the application in regard to the Required Criteria For Approval, to review the management plan for the park, and to insure that the park conforms to ordinance standards. Section 18.07 E outlines additional standards for mobile home parks of more than ten mobile homes.

RECREATIONAL VEHICLE CAMP-
GROUND ORDINANCE
Chapter 18.08

The Planning Commission's responsibility when reviewing this ordinance is to insure that the application is consistent with the Required Criteria for Approval, that the R.V. Campground standards are met, and that the management plan for the park is adequate.

SUBDIVISION ORDINANCE

The definition of a subdivision according to the Craig ordinance is "the division of land, vacant or improved, into lots, parcels, sites, units, plats, or interests

for the purpose, immediate or future, sale, lease, or transfer of title, where the act of division creates two or more parcels."

The subdivision ordinance is divided into three chapters: Platting Procedures, Improvements, and Design Standards.

Platting Procedures Chapter 18.09

The Platting Procedures chapter explains the difference between major and minor plats and describes the procedures for submitting plats for approval.

In short, a minor plat, which may not require a hearing, is a subdivision creating four lots or less when legal access exists to all proposed lots.

This chapter explains what information needs to be submitted for review and the type of additional information the Planning Commission may need to evaluate an application.

Section 18.09.007 explains the time frame for Planning Commission decisions. If the commission takes no action within 60 days of the submittal of the plat, the subdivision is considered approved. If the commission sees that they will not be able to make a decision within 60 days, they should request that the subdivider consent to an extension of the time period.

At the hearing or administrative review of a preliminary plat, the plat will

be conditionally approved or denied. The subdivider will be given a list of items which must be completed before the plat is granted final approval. Sections, 18.09.009, 18.09.010, and 18.09.020 outline what may be necessary for final plat approval.

Subdivision Improvements Section 18.10

The improvements chapter details the subdivision improvements which must be installed or financially guaranteed prior to final plat approval.

Sewer, water, roads, fire hydrants, etc. must be installed to each lot or a financial guarantee provided by the subdivider for their purchase and installation before the plat may be finally approved.

This ordinance requirement protects the subdivision lot purchaser. In the past in Craig, lots without physical access were approved for sale. Lots where sewer and water connections were extremely expensive have also been sold to buyers who could not complete their homes due to the unexpected expense of extending sewer and water service to their lots. Although the provision of these improvements represents a substantial investment by the developer, the ordinance provides a variety of methods to furnish a financial guarantee.

Design Standards
Chapter 18.11

The Design Standards chapter furnishes minimum design standards for subdivisions. The Planning Commission is responsible for insuring that the final plat and subdivision improvements conform to ordinance standards. The City Public Works Director and Planning Official furnish technical assistance.

The reservation of utility and road easements is essential to efficient subdivision development. The City notifies utility companies in order to gain input on the location of necessary easements. Securing easements for utilities and roads is one way of controlling the costs of the extension of facilities to current and future subdivisions. Securing road easements is discussed in the subdivision ordinance and in the Transportation Plan.

TRANSPORTATION PLAN

The Transportation Plan is a portion of the subdivision review process. Final Plat Requirements Section 18.09.009 #11 states that in order to receive final plat approval, proposed roads on the Transportation Plan must be reserved and dedicated to the public on the final plat. This insures that future roads will be provided at the lowest cost to the public and that other lots and parcels are not landlocked.

Due to the topography in Craig, several parcels could

be landlocked or denied access unless the Planning Commission insures that the Transportation Plan is followed and road easements reserved when lands are subdivided.

SETBACKS
Chapter 18.13

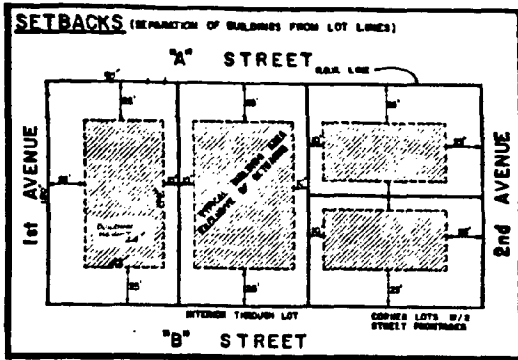
A setback is defined as the minimum horizontal distance between a lot line and a wall of a building or between the mean high water mark and proposed development.

The chapter on setbacks describes how setbacks are to be measured. It also details the streamside and shoreline setbacks which were created by the Craig Coastal Management Program around Crab Bay and anadromous fish streams.

Setbacks in residential zones are generally ten feet from property lines although zero lot line buildings sharing a common wall may be approved.

Buildings in commercial and industrial zones may be built, in some cases, on property lines if construction plans are approved by the State Fire Marshall and conform to appropriate building and fire codes. The exception to this standard comes into play if adjacent properties are zoned for residential or public uses.

Setbacks in each zone are listed under each specific zone. Setbacks for mobile home parks and recreational vehicle campgrounds are listed within those ordinances.



Setbacks are usually reviewed when a building permit is requested. Plot plans for proposed Conditional Use Permits, Variances, etc. should also indicate setbacks from the property line for existing and proposed buildings.

Setbacks were originally established in Craig in order to prevent people from building structures over lot lines. They also provide for fire safety, for access for fire fighting equipment, and for privacy, air, and sunlight.

PARKING Chapter 18.14

In general, parking is to be provided off-street and on the premises. The Planning Commission may approve off-premises parking for commercial and industrial sites as long as the parking is not greater than 300 feet from the site and is appropriately zoned.

This chapter lists the required parking spaces for all different types of uses. The standards, Required

Parking Spaces, are intended to be a guideline. If there are special circumstances or characteristics which make the parking space requirement either inadequate or unreasonable, the Planning Commission may make specific parking requirements on a case by case basis through the variance procedure.

NON-CONFORMING USES

Most people are familiar with the term "grandfathered use." A non-conforming use is, for all practical purposes, a grandfathered use. By definition, a non-conforming use is a use which does not comply with the current ordinance but is recognized as legitimate due to the fact that it was originally legally established.

The chapter on non-conforming uses details how existing lots, uses, and structures which do not conform to the code should be considered.

The non-conforming use provision is an assurance that the community will eventually change without undue hardship to those who own property, buildings, or businesses which do not conform to the ordinance. As is common in community planning, change may be very gradual.

DEFINITIONS Chapter 18.16

This section defines many of the terms used in the ordinance. Words in the ordinance which are followed by an asterisk (*) are defined in the "Definitions" section. Some

definitions are tailored for the ordinance and may differ from dictionary definitions.

It is a good idea to regularly review these definitions. A definition may be the key to how the ordinance is applied. For instance, you must consider the definition before you apply the ordinance to a mobile home park, a kennel, or a home occupation.



HOW WE GOT HERE FROM THERE OR--A GENERAL HISTORY OF LAND USE PLANNING

Public planning is as old as civilization itself. The Pharaohs of ancient Egypt planned land development, cities, and public works on an impressive scale. In the sixth century, B.C. the prophet, Ezekiel recommended that Jerusalem be divided into zones for religious buildings, for royalty, for homes, and for agriculture. Unearthed city ruins of the Aztec people of Mexico have displayed a planned system of water distribution and sewage collection. Many other examples are available. But what of the United States? Is planning new here?

The oldest example of a planned city in North America is Philadelphia. As early as 1682, William

Penn laid out a plan for the city which included a grid-iron system of streets, uniform spacing and setbacks for buildings and designated open space areas.

Another early example is Washington D.C. In 1791 the famous Major L'Enfant produced a plan with radial and diagonal streets superimposed over a grid-iron system, wide boulevards, huge green open spaces, and fountains leading to the capitol buildings.

During the industrialization of the United States, several physical ills created numerous social problems. Most notable of these were poor sanitation and housing which lead to disease and slums. In New York City tenement life was appalling. Lawrence Veiller, a New York housing reformer, led the way to established laws that required permits for tenement construction with inspection upon project completion. Penalties for non-compliance and a permanent tenement house department to administer and enforce these new laws were also established. Included within this ordinance were standards for light and aircourts between buildings with toilets and running water required in each apartment.

Cities enacted ordinances to deal with other land use problems. As early as 1867 a San Francisco ordinance prohibited the development of slaughter houses, hog storage facilities, and hide curing plants in certain districts of the city.

Around the turn of the 20th Century a movement known as the "City Beautiful" was begun to improve conditions and the quality of life in larger cities. The first attempted City Beautiful plan was the 1909 plan of Chicago. Also in 1909, a Los Angeles land use ordinance was passed which employed the concept of zoning; in New York City in 1916 the first comprehensive zoning code was adopted.

With the introduction of the automobile at reasonable prices, the 1920's experienced the greatest boom in automobile ownership the country had ever seen. By 1930 there would be 26 million automobiles in the U.S. or approximately one for every five people.

With this increase in mobility and less dependency on inner-city transit, people were on the move in every imaginable direction from the urban center. The suburbs were born!

During this era of massive suburbanization, the focus of city planning began to shift to the perimeter of the metropolitan area. Public works projects began all around the country. Sewer and water lines were extended, roads were widened, etc. An increase in taxation rates to support these projects was soon to follow.

With uncontrolled growth and development came problems, and as we all know, "necessity is the mother of invention." Enabling legislation for planning and zoning was passed. These acts gave cities the police power necessary to

regulate certain aspects of development. Police power is defined as: "The power of municipalities to protect the health, safety, and general welfare of the people." These acts were the basis for many of the existing state enabling acts or laws for planning and zoning.

The depression of the 1930's brought into focus the fact that physical planning has little meaning apart from social and economic factors. In 1932, Franklin D. Roosevelt was elected and 13 million people who were out of work looked toward the White House for an answer to their economic ills. In only two years, the 1934 Housing Act was passed, the first time government became involved in the housing market. In 1937 another Housing Act was passed. This act was used as the foundation for most Federal public housing programs for the next forty years.

After World War II, the nation saw a vast expansion of suburban housing, including the growth of planning as an ongoing role of local governments, the development of more technically refined zoning and subdivision controls, a significant growth in the number of planning schools, large scale urban renewal activities, extensive citizen participation processes, and the development of the interstate highway system which affected cities and towns almost everywhere.

In the late 1960's and early 1970's some state governments reasserted involvement in local land use decisions when local decisions had

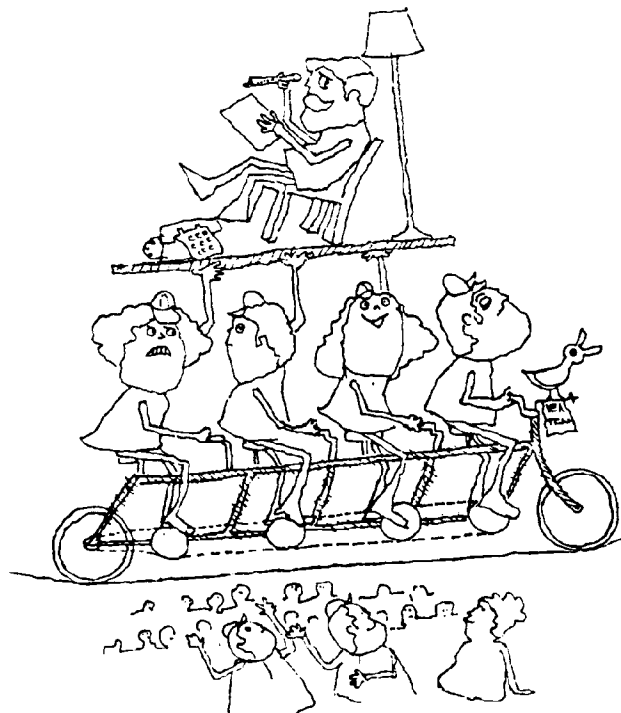
regional significance. This continues to be controversial in many areas.

Today urban and regional planners work across the entire range of local government dealing with physical, social, functional, and economic development issues.

Locally, land use controls are a fairly recent development. In 1974, the Craig City Council adopted an ordinance establishing a Planning and Zoning Commission with the responsibility to oversee the preparation of a Comprehensive Plan, Subdivision Ordinance, and some form of land use regulation. The Subdivision Ordinance was adopted in 1974; the Comprehensive Plan and land use ordinance were adopted in 1976.

In the early 1980's the City began working on a coastal management plan which was approved in December of 1984 and went into effect for local, state, and federal consistency on May 31, 1985.

To implement the Craig Coastal Management Program, the City continued planning efforts by updating its Comprehensive Plan and adopting a new land use ordinance, the Craig Land Development Code, Title 18 of the Craig Municipal Code.



EXAMPLE 9

GENERAL PERMITS

North Slope Borough

This general permit is typical of COE general permits. It gives the North Slope Borough authority to approve placement of fill in many different locations and for more than one type of project. It allows a developer to deal with only the North Slope Borough if the developer meets the criteria specified in the permit.

This permit includes:

- a list of types of projects that can receive permission to place fill under the Borough's general permit (homes, commercial, industrial, etc.);
- the duration of the permit;
- conditions of the permit, including:
 - quantity of fill
 - slopes
 - discharge limits
- enforcement of the permit;
- penalties; and
- required drawings, including
 - a location map
 - fill dimensions and slopes.





**US Army Corps
of Engineers**

Alaska District
Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506-0898

Public Notice

Date: June 26, 1987

Identification No GP 83-8M

In reply refer to above Identification Number

GENERAL PERMIT 83-8M

Arctic Slope Housing Authority Region, Alaska
(Formerly General Permit 81-8 and 83-8)

A General Permit (GP) modification has been issued, under authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. seq.), to authorize the placement of fill material in wetlands of eight villages within the Arctic Slope Housing Authority Region for the purpose of constructing domicile, public, and commercial development. It also authorizes the placement of fill material in wetlands for the construction of foundation pads for domiciles in areas of the region beyond the eight designated villages. The placement of fill for industrial development is not authorized by this GP.

In response to the Public Notice dated February 11, 1987, comments have been received from Federal, State, and local agencies, concerned organizations, and the general public. Based on a review of all pertinent information, including a prepared Environmental Assessment, I have concluded that issuance of this permit will not have a significant adverse impact on the environment and that issuance of this permit is in the general public interest.

All activities authorized under this permit must be conducted within the scope of the GP and comply with its general and special conditions. If a proposed activity does not fall within the scope of the permit or meet the requirements of its conditions, an individual Department of the Army permit must be obtained.

Individuals proposing to perform work authorized under this GP must review the permit description and conditions carefully. Failure to comply with the terms and conditions of the permit may result in suspension of the work, revocation of the permit, and/or imposition of penalties as provided by law.

GP 83-8 was issued for a period of five years effective the date of issuance and expiring five years from that date. At the end of the five-year period (January 1989), an evaluation of the program will be made and, at that time, it will be decided whether or not this permit should be renewed. The District Engineer may, at any time during the five-year period, alter, modify, or revoke this permit, if he deems such action to be in the public interest.

Any questions or requests for additional information should be directed to:
Alaska District, Corps of Engineers, ATTN: Regulatory Branch, Box 898,
Anchorage, Alaska 99506-0898, or telephone (907) 753-2724 or 753-2712.

District Engineer
U.S. Army, Corps of Engineers

GENERAL PERMIT 83-8M
Arctic Slope Housing Authority Region, Alaska
(Formerly General Permit 81-8 and 83-8)

A modification of General Permit (GP) 83-8 is being issued, under authority of Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et. seq.), to authorize the placement of fill material in wetlands of eight (8) villages (Anakatuvuk Pass, Atqasuk, Barrow, Kaktovik, Nuiqsut, Point Hope, Point Lay, and Wainwright) within the Arctic Slope Housing Authority (ASHA) Region. Within the eight villages, the placement of fill material is authorized with regard to the construction of domicile, public, and commercial development (see attachment A for legal descriptions and maps of village boundaries). The modification also authorizes the placement of fill material with regard to the construction of foundation pads for domiciles only in the remainder of the ASHA Region.

AUTHORIZED ACTIVITIES:

This GP authorizes the placement of fill material in wetlands of the designated villages for the purpose of constructing foundation pads for domicile, public, and commercial development; associated driveways and access roads; and sanitation and utility facilities, including State approved sewage treatment facilities, associated with these activities. In areas outside the eight designated villages, placement of fill material for the construction of foundation pads for domiciles is the only work authorized by the GP. The construction of roads and foundation pads associated with development other than domiciles is specifically excluded from the GP for outlying areas.

Domicile development is defined as the construction of a dwelling; a place of residence; or a person's fixed, permanent, and principal home for legal purposes. Domicile development also includes work performed in association with installation of a dwelling's septic/sewage system.

Public development is defined as the construction of facilities relating to business or community interests as opposed to private interests. Public development allowed by this permit shall include city halls, church buildings, post offices, fire stations, and similar projects approved by the U.S. Army Corps of Engineers (Corps).

Commercial development is defined as the construction of private facilities for the exchange or buying and selling of commodities. Commercial development allowed by this permit shall include movie theatres, pool halls/arcades, video tape rentals, bingo halls, hotels/restaurants, hair salons, tanning salons, fabric/dress shops, daycare/babysitting facilities, lumber and hardware stores, and similar projects approved by the Corps.

Fill material must be clean sand, gravel, or shot rock free of toxic substances in toxic amounts. Maximum fill pad dimensions shall be 100'x125' measured at the crown. Fill pads shall be separated by a minimum distance of 20' measured from the toe of slope of the fill pads. Access roads or driveways shall be no wider than 48' at the base.

In order to adequately protect the permafrost layer from thermal degradation, a layer of fill material at least 4' thick, or an equivalent amount of insulation, must be provided and maintained for all projects located in permafrost areas.

CONDITIONS: All activities covered by this GP shall be subject to the following general and special conditions and attached drawings:

GENERAL CONDITIONS:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this GP. Any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this GP. Such violation may result in the modification, suspension, or revocation of any authorization in whole or in part, as set forth in General Condition "j" below, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked in whole or in part;

b. That all activities authorized herein, if they involve during their construction or operation, the discharge of any pollutant, i.e., dredged or fill material, into waters of the United States, including wetlands, shall be at all times consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Clean Water Act (PL 95-217 33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532; 86 Stat. 1052); and applicable State and local law;

c. That when the activity authorized herein involves a discharge during its construction or operation of any pollutant, i.e., dredged or fill material, into waters of the United States, including wetlands, the authorized activity, if applicable water quality standards are revised or modified during the term of this permit, shall be modified if necessary to conform with such revised or modified water quality standards within six months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances;

d. That the discharge shall not jeopardize the continued existence of a threatened or endangered species as identified in the "Federal Register," Vol. 44, No. 12, January 17, 1979, "List of Endangered Species and Threatened Wildlife and Plants" and subsequent updates, or endanger the critical habitat of such species;

e. That the permittee agrees to pursue the construction and operation of authorized work in a manner that minimizes adverse impacts on fish, wildlife, and environmental values;

f. That the permittee agrees to pursue work in a manner that minimizes degradation of water quality;

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary to assure that the activity being performed is in accordance with the terms and conditions of this GP;

h. That the permittee shall maintain the work authorized herein in good condition and in accordance with approved plans and drawings;

i. That this GP does not convey any property rights, either in real estate or material, or any exclusive privileges; that it does not authorize any injury to property, or invasion of rights, or any infringement of Federal, State, or local laws or regulations; nor does it obviate any requirements to obtain State or local assent required by law for the activity authorized;

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the authorized activity would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for such action, and (3) any corrective or preventive measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of such notice. Within 10 days following receipt of a notice of suspension, the permittee may request a hearing to present information relevant to a decision as to whether the authorization should be reinstated, modified or revoked. If a hearing were requested, it shall be conducted pursuant to procedure prescribed by the Chief of Engineers. After the completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the authorization shall be reinstated, modified or revoked; and

k. That this permit does not authorize activities that may affect archeological, cultural, or historic properties which the National Park

Service has listed on, or has determined are eligible for listing on, the National Register of Historic Places. Further, if the permittee, before or during performance of authorized work, encounters an archeological, cultural, or historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing on the Register, he shall immediately stop work and contact this office.

SPECIAL CONDITIONS:

- a. That no fill material shall be placed in streams or waterways outside designated village boundaries;
- b. That the maximum pad dimensions, measured at the crown, shall not exceed 100'x125' with a minimum distance between pads of 20';
- c. That access roads and driveways shall be constructed and maintained at a maximum bottom width of 48' and a maximum top width of 36';
- d. That an adequate number of culverts shall be installed and maintained to insure natural drainage patterns and natural movement of fauna;
- e. That the maximum side slopes of all fills shall be 2:1 (horizontal : vertical);
- f. That there shall be no discharge of fill material for pad or road construction within 100' of the high tide line of any tidal water nor within 100' of the ordinary high water mark of any lake, stream, river, pond, slough, or other nontidal water except for minor road crossing fills within the designated villages (a minor road crossing fill is defined as a crossing that involves the discharge of less than 200 cubic yards of fill below the plain of ordinary high water, exclusive of anadromous fish streams);
- g. That the discharge of fill material shall be carried out in conformance with the goals and objectives of the Environmental Protection Agency's guidelines established pursuant to Section 404(b)(1) of the Clean Water Act and published in 40 CFR 230;
- h. That the discharge shall not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system; and
- i. That if the proposed discharge is within an area indicated by the heavy black lines on the attached map, information including the location and size of the proposed work site(s), including applicable drawings and description of the purpose and intended use of the fill material, must be submitted to this office prior to the onset of work to insure compliance with the Endangered Species Act. If necessary, an informal Section 7 consultation shall be conducted. If it is determined during consultation that adverse impacts to the Arctic peregrine falcon (Falco peregrinus tundruis), or its critical habitat, or of any other threatened or endangered species, would result, GP processing shall cease and the project proposal shall undergo individual Department of the Army permit review.

REPORTING AND MONITORING REQUIREMENTS:

The following reporting and monitoring requirements are established as part of this permit:

- a. The North Slope Borough (NSB) shall administer and monitor activities authorized by this permit;
- b. All parties desiring to perform work subject to this permit shall provide the NSB with the following information: a statement concerning the location and size of the area(s) to be filled, a description of the proposed work including identification of its purpose and intended use, and plans indicating the extent and location of all proposed activities;
- c. All persons, including agencies of the NSB, shall contact the Permitting Division, Planning Department, NSB, at least 10 days prior to initiation of work;
- d. Authorization to proceed must be received from the NSB prior to commencement of work;
- e. Approval of proposed work shall be given by the NSB only when the activity is specifically authorized. In cases involving proposed work similar to that identified in this permit, the NSB shall submit to the Corps, on a case-by-case basis, the project proposal and plans. The Corps shall determine whether the work is authorized under this permit;
- f. The NSB shall provide monthly reports to this office of activities authorized under GP 83-8M. The reports shall be sent to: Chief, Regulatory Branch, Corps of Engineers, ATTN: CENPA-CO-R, Post Office Box 898, Anchorage, Alaska 99506-0898;
- g. An onsite monitoring program shall be implemented by the Corps with the assistance of other Federal, State, and local agencies. Work performed subject to this permit shall be inspected to verify its compliance with the permit's terms and conditions.

TIME FRAME:

GP 83-8 was issued in January 1984, for a period of five years. At the end of five years (January 1989), an evaluation of the permit shall be made to determine whether it should be renewed. However, the District Engineer may, at any time during the five-year period, alter, modify, or revoke this permit if he deems such action would be in the public interest.

PENALTIES FOR VIOLATIONS:

All work performed under this permit shall be in compliance with its terms and conditions. Failure to comply with its terms and conditions may result in suspension of the work, revocation of the permit, removal of the

fill, restoration of the wetland, and/or imposition of penalties as provided by law. The discharge of fill material not in accordance with the terms and conditions of this GP is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof, the violator is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500 per day of violation, or by imprisonment of not more than one year, or both. Violators are also subject to a civil penalty not to exceed \$10,000 per day of the violation.

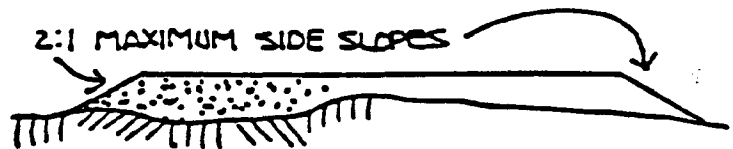
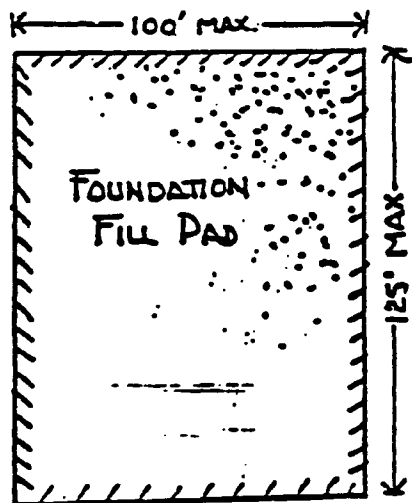
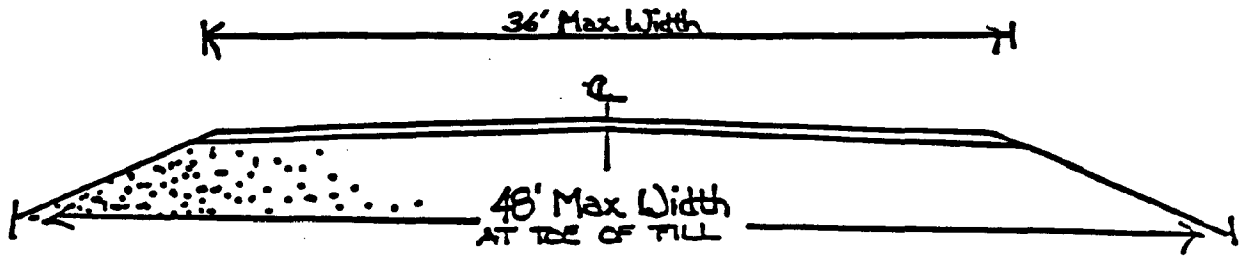
REVOCATION OF GENERAL PERMIT:

This permit may be revoked at any time by issuance of a Public Notice should the District Engineer determine that the singular or cumulative effects of the activities authorized herein have an adverse effect upon the public interest. Following such revocation, any future activities in areas covered by this GP shall be subject to individual permit authority.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


Robert K. Oja
Chief, Regulatory Branch

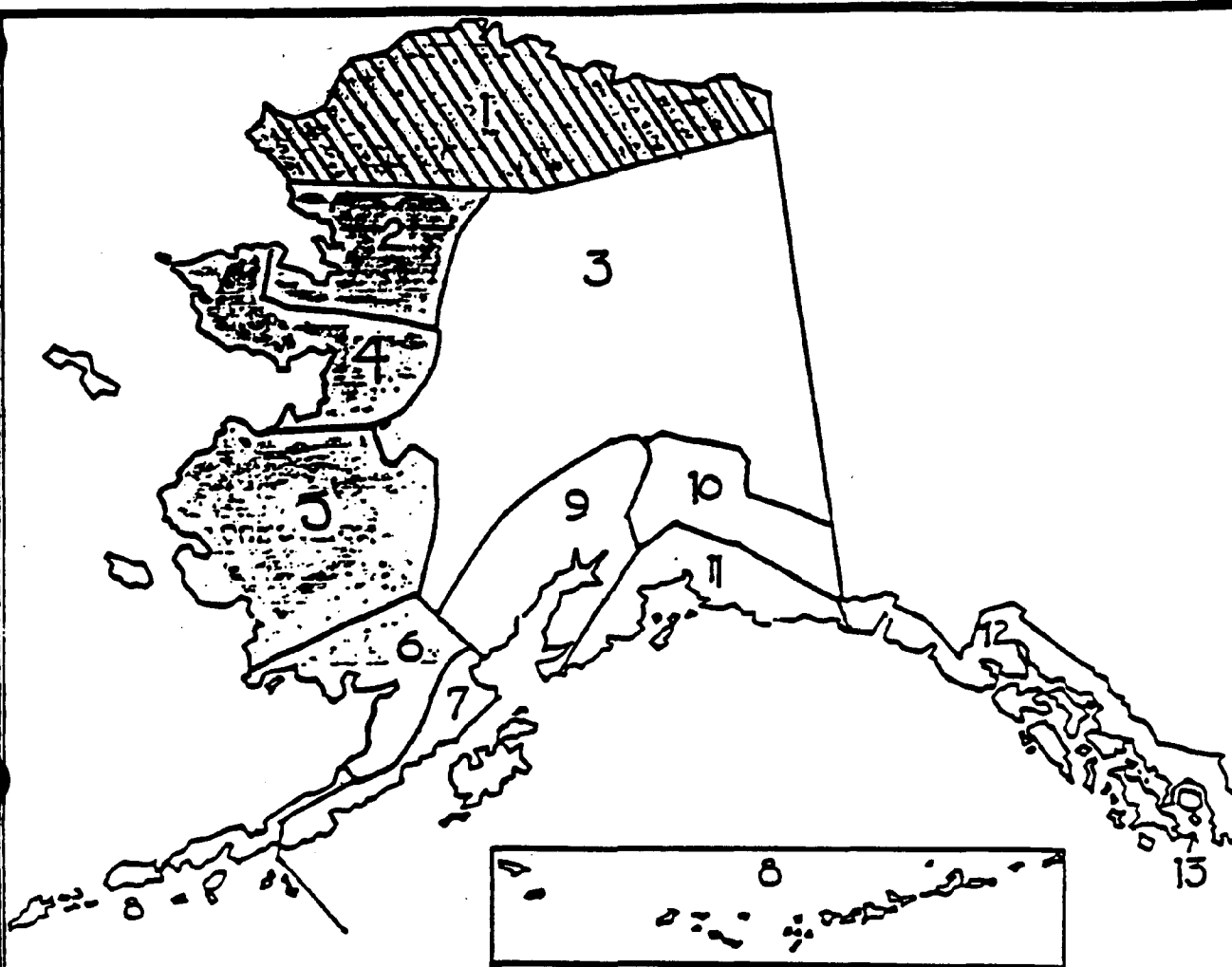
FILL DIMENSIONS




TYPICAL CONSTRUCTION PAD

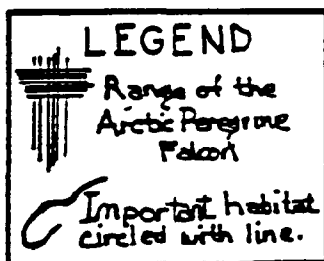
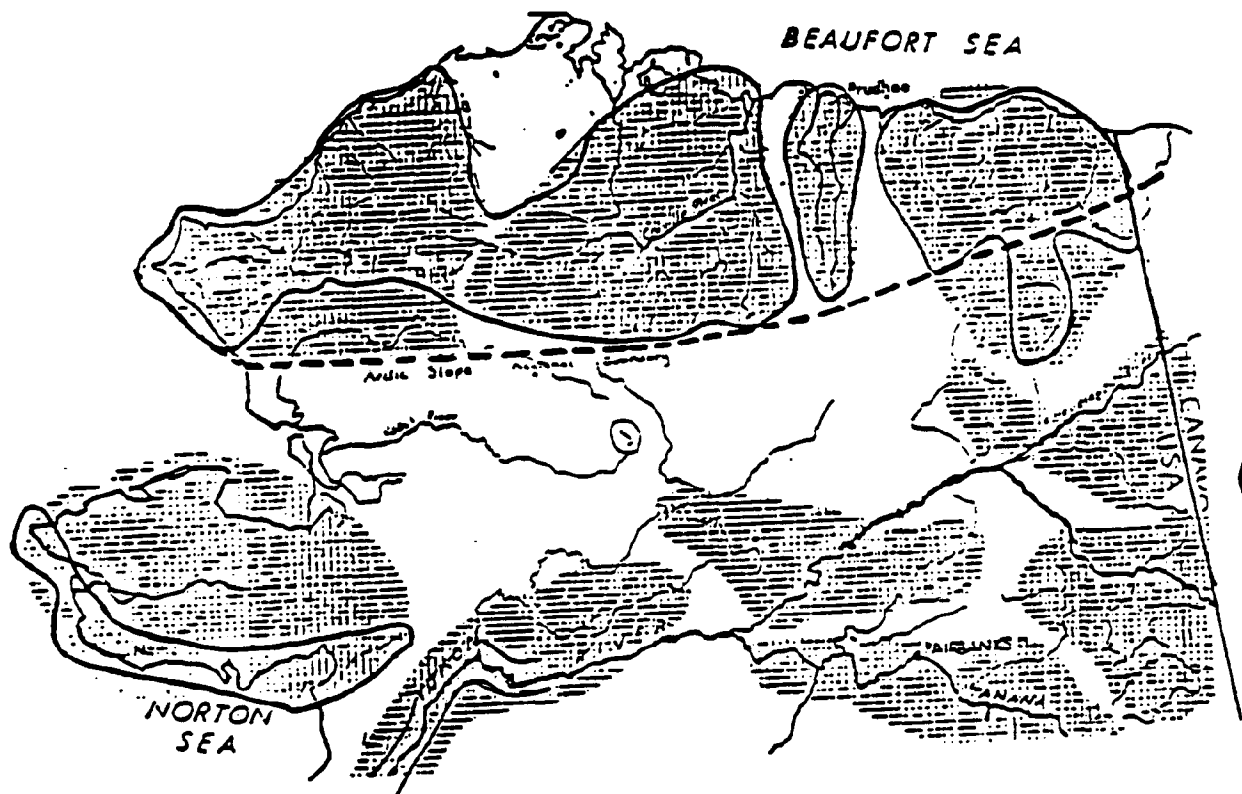
General Permit

For the construction of access roads, driveways, and pads.



- | | | |
|--|---|--|
| 1. Arctic Slope Regional Housing Authority |  | 11. North Pacific Rim Housing Authority |
| 2. NANA Regional Housing Authority | | 12. Tlingit Haida Regional Housing Authority |
| 3. Interior Regional Housing Authority | | |
| 4. Bering Straits Regional Housing Authority | | |
| 5. AVCP Housing Authority Region | | |
| 6. Bristol Bay Housing Authority Region | | |
| 7. Kodiak Island Housing Authority | | |
| 8. Aleutian Island Housing Authority Region | | |
| 9. Cook Inlet Housing Authority Region | | |
| 10. Copper River Basin Regional Housing Authority Region | | |

RANGE OF THE ARCTIC PEREGRINE FALCON



Attachment A

Village Legal Descriptions for Purposes of GP 83-8M

- Wainwright - T. 15 N., R. 31 W., sections 7, 8, 18, 19, and 30;
SW1/4 section 4; 5 1/2 section 5; NW1/4 section 17; W1/2
section 9; U.M.
T. 15 N., R. 32. W., sections 13, 23, 24, 25, 26, and 27, U.M.
- Nuiqsut - T. 10 N., R. 4 E., all of sections 11 and 24, all of section
14 except SW1/4, NE1/4 of section 23, and those portions of
sections 12 and 13 that lie south and west of the Nechelik
Channel, U.M.
- T. 10 N., R. 5 E., that portion of section 19 lying west of
the north/south oriented creek, known locally as Tulugaluk
Creek and that portion of section 18 lying south of the
Nechelik Channel, U.M.
- Barrow - T. 22 N., R. 18 W., sections 4, 5, 6, 7, 8, and 18, U.M.
T. 22 N., R. 19 W., sections 1, 12, 13, 14, 23 and 24 north
of Nunavak Bay, U.M.
T. 23 N., R. 18 W., sections 14, 22, 23, 27, 28, 32, and 33,
U.M.
- Anaktuvuk - T. 15 S., R. 2 E., section 19, NW1/4 section 20, E1/2
Pass section 18, W1/2 and NE1/4 section 17, and S1/2 section 8,
U.M.
- Point Hope - T. 34 N., R. 34 W., sections 18, W1/2 17, K.R.M.
T. 34 N., R. 35 W., sections 9-11 and 13-17, K.R.M.
- Atqasuk - T. 13 N., R. 21 W., those portions of sections 7, 18, and 19
lying west of mean high water of the Meade River, U.M.
T. 13 N., R. 22 W., sections 1, 12, 13, 24, excluding
Ikmakrak Lake, U.M.
- Kaktovik - T. 9 N., R. 33 E., sections 13, 14, 24, and 25, U.M.,
excluding offshore areas.
T. 9 N., R. 34 E., sections 17-19 and 30 on Barter Island,
U.M., excluding offshore areas.
- Point Lay - T. 4 N., R. 45 W., sections 4-6, U.M.
T. 5 N., R. 44 W., that portion of section 30 lying south and
a west of the mean high water line of the Kokolik River,
section 31, U.M.
T. 5 N., R. 45 W., that portion of section 25 lying south of
the mean high water line of Kokolik River, section 36, U.M.

EXAMPLE 10

GENERAL PERMITS

City and Borough of Sitka

The City and Borough of Sitka initially received authority for five General Permits from the COE in 1981. Two of the types of activities were subsequently given nationwide authority. The remaining three permits address:

- bank stabilization;
- private residential docks; and
- sanitary sewer outfalls.

To earn permit issuance authority, Sitka submitted a detailed application which included a Sitka Coastal Habitat Evaluation prepared by DFG.

This example includes the permits, a discussion of how they were received, and the local review process of activities authorized under them.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 898
ANCHORAGE, ALASKA 99506-0898

REPLY TO
ATTENTION OF:

NPACO-R
General Permit 81-21M

GENERAL PERMIT
PLACE FILL MATERIAL FOR BANK STABILIZATION
WITHIN DESIGNATED AREAS OF THE
CITY AND BOROUGH OF SITKA, ALASKA

Upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (PL 95-217, 33 U.S.C. 1344 et. seq.) general authority for the public at large is hereby authorized by the Secretary of the Army:

To place sand, gravel, and shot rock material free of toxic materials for the purpose of bank stabilization.

All activities covered under this General Permit (GP) will be subject to the following conditions:

1. SPECIAL CONDITIONS:

a. That this GP is applicable to work within the waters adjacent to the City and Borough of Sitka (CBS) road system from Silver Bay on the south to Starrigavan Bay on the north including the islands of Sitka Sound.

b. That fill material shall not exceed 500 cubic yards in both tidal and non-tidal waters and shall not extend below the mean lower low water elevation in tidal areas.

c. That no fill material shall be placed in any vegetated wetland.

d. That all areas within 50' of anadromous streams and lakes shall be excluded from the GP.

e. That all discharges shall consist of material free of toxic substances in other than trace quantities and shall be obtained from a previously identified site approved by the District Engineer.

f. That this GP only applies to work along shorelines which are experiencing erosion due to water and/or wave erosion and the purpose of the fill shall be to protect, not expand, existing property.

NPACO-R
General Permit 81-21M

g. That there shall be no inwater construction activity along the shoreline north of Thomsen Harbor to and including Starrigavan Bay and around the islands of Sitka Sound, during the period from March 15 to May 31, inclusive.

h. That the fill shall be armoured with riprap to prevent further erosion by water or wave action.

2. GENERAL CONDITIONS:

a. That all activities accomplished under this authorization be consistent with all the terms and conditions of the GP.

b. That all activities authorized herein shall, if they involve during their construction or operation, any discharge of pollutants into waters of the United States be at all times consistent with applicable water quality standards, effluent limitations and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (PL 92-500, 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532; 86 Stat. 1052) and pursuant to applicable State and local law.

c. That this GP will not be applicable to proposed construction when the DE determines after any necessary investigations that the proposed activity would adversely affect historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places.

d. That the activity will not jeopardize the continued existence of a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the CBS or the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed in the GP.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with approved plans and drawings.

NPACO-R
General Permit 81-21M

i. That this GP does not convey any property rights, or exclusive privileges; that it does not authorize any injury to the property, or rights of others nor does the GP obviate the need to obtain other Federal, State or local authorizations required by law.

j. That this GP or an activity being performed under authorization of this permit, may be either modified, suspended, or revoked in whole or in part, if the Secretary of the Army or his authorized representative determines that there has been a violation of any terms or conditions of this permit or that such action would otherwise be in the public interest.

k. That any modification, suspension, or revocation of the GP shall not be the basis for any claim for damages against the United States.

l. That this permit does not authorize the interference with any existing or proposed Federal project.

m. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

n. That the permittee, upon receipt of a either a notice of revocation of the GP or notice of revocation of authorization for his particular activity shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions.

This permit will be in effect on the date of the authorizing official's signature. The GP will be in effect for a period of 5 years. At the end of the 5-year period, an evaluation of the program will be made and at that time and it will be decided whether or not this permit should be renewed. The DE may, at any time during this 5-year period, alter, modify, or revoke this permit, if he deems such action to be in the public interest.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Date 5/22/87

Robert K. Oja
Robert K. Oja
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 898
ANCHORAGE, ALASKA 99506-0898

REPLY TO
ATTENTION OF:

NPACO-R
General Permit 81-20M

GENERAL PERMIT
PLACE RESIDENTIAL SANITARY SEWER OUTFALL LINES
WITHIN DESIGNATED AREAS OF THE
CITY AND BOROUGH OF SITKA, ALASKA

Upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (PL 95-217, 33 U.S.C. 1344 et. seq.) general authority for the public at large is hereby authorized by the Secretary of the Army:

To place sand, gravel, and shot rock material free of toxic substances in connection with the construction of sanitary sewer outfall lines.

All activities covered under this General Permit (GP) will be subject to the following conditions:

1. SPECIAL CONDITIONS:

a. That this GP is applicable to work within the waters adjacent to the City and Borough of Sitka (CBS) road system from Silver Bay on the south to Starrigavan Bay on the north including the islands of Sitka Sound.

b. That all discharges shall consist of material free of toxic substances in other than trace quantities and fill discharge material shall be obtained from a previously identified site approved by the District Engineer (DE).

c. That all sewer discharges must terminate below -4.0' (MLLW).

d. That there shall be no inwater construction activity along the shoreline north of Thomsen Harbor to and including Starrigavan Bay and around the islands of Sitka Sound during the period from March 15 to May 31, inclusive.

e. That the amount of fill shall be limited to what is necessary as backfill, bedding and/or cover for the immediate discharge line.

f. That discharges of fill material into tidal wetlands or subtidal vegetated beds are not authorized under this GP.

NPACO-R
General Permit 81-20M

2. GENERAL CONDITIONS:

a. That all activities accomplished under this authorization shall be consistent with all the terms and conditions of this GP.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards, and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (PL 92-500, 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532; 86 Stat. 1052) and pursuant to applicable State and local law.

c. That this GP will not be applicable to proposed construction when the DE determines after any necessary investigations that the proposed activity would adversely affect historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places.

d. That the activity will not jeopardize the continued existence of a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the CBS or the DE or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed in the GP.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with approved plans and drawings.

i. That this GP does not convey any property rights, or exclusive privileges; that it does not authorize any injury to the property or rights of others nor does the GP obviate the need to obtain other Federal, State or local authorizations required by law.

j. That this GP, or an activity being performed under authorization



REPLY TO
ATTENTION OF:

NPACO-R
General Permit 81-17M

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 898
ANCHORAGE, ALASKA 99508-0898

GENERAL PERMIT
CONSTRUCTION OF FIXED AND/OR FLOATING
DOCKS WITHIN DESIGNATED AREAS OF THE
CITY AND BOROUGH OF SITKA, ALASKA

Upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the River and Harbor Act of 1899 (30 Stat 1151; 33 U.S.C. 403) general authority for the public at large is hereby authorized by the Secretary of the Army:

To construct fixed and/or floating docks and associated mooring pilings for private single family use in or over navigable waters.

All activities covered under this General Permit (GP) will be subject to the following conditions:

1. SPECIAL CONDITIONS:

a. That this GP is applicable to work within the waters adjacent to the City and Borough of Sitka (CBS) road system from Silver Bay on the south to Starrigavan Bay on the north including the islands of Sitka Sound.

b. That structures authorized under this GP are limited to less than 300 square feet surface area, exclusive of the ramp. Associated mooring pilings are not included in this surface area.

c. That no discharge of dredged or fill material into navigable waters or adjacent wetlands is authorized.

d. That living quarters, toilets, or fueling facilities are not authorized.

e. That dock and floats must be for private single family use only.

f. That there shall be no inwater construction activity along the shoreline north of Thomsen Harbor including Starrigavan Bay and around the islands of Sitka Sound during the period from 15 March to 31 May, inclusive.

g. That construction of marinas, commercial piers, multiple-family structures, dredging, bulkheading, boat launching ramps, marine railways, hoists, storage houses, or any other structures are not covered under the

NPACO-R
General Permit 81-17M

authority of this GP. An individual Department of the Army permit must be obtained from the Corps of Engineers prior to construction of these projects.

h. That the vertical surfaces of the floating docks must be painted white unless a specific waiver is requested from and granted by the United States Coast Guard.

2. GENERAL CONDITIONS:

a. That all activities accomplished under this authorization be consistent with all the terms and conditions of this GP.

b. That this GP will not be applicable to proposed construction when the DE determines after any necessary investigations that the proposed activity would adversely affect historic, cultural, or archeological sites listed in or eligible for inclusion in the National Register of Historic Places.

c. That the activity will not jeopardize the continued existence of a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

e. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall allow the CBS or the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed is in accordance with the terms and conditions prescribed in the GP.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with approved plans and drawings.

h. That this GP does not convey any property rights, or exclusive privileges; that it does not authorize any injury to the property, or rights of others.

i. That this GP does not obviate the requirement to obtain other Federal, State or local authorizations required by law.

NPACO-R
General Permit 81-17M

j. That this GP or an activity being performed under authorization of this permit, may be either modified, suspended, or revoked in whole or in part, if the Secretary of the Army or his authorized representative determines that there has been a violation of any terms or conditions of this permit or that such action would otherwise be in the public interest.

k. That any modification, suspension, or revocation of the GP shall not be the basis for any claim for damages against the United States.

l. That this permit does not authorize the interference with any existing or proposed Federal project.

m. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

n. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

o. That the permittee, upon receipt of either a notice of revocation of the GP or notice of revocation of authorization for his particular activity shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions.

p. That the permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash. The permittee shall not hold the United States liable for any such damage.

This permit will be in effect on the date of the authorizing official's signature. The GP will be in effect for a period of 5 years. At the end of the 5-year period, an evaluation of the program will be made and at that time it will be decided whether or not this permit should be renewed. The DE may, at any time during this 5-year period, alter, modify, or revoke this permit, if he deems such action to be in the public interest.

EXAMPLE 11

CONSISTENCY REVIEW

Municipality of Anchorage Checklists

The Municipality of Anchorage planning staff use checklists to assure that proposed projects are evaluated for compliance with all municipal land use policies. The Planning Criteria Performance Checklist is used to evaluate projects that require more than one municipal review. A designated member of the Department of Economic Development and Planning uses this checklist as a guide in consulting staff from other departments to assemble their recommendations. The CMP Checklist for Consistency Recommendations is used by the Coastal Coordinator or his designee to assess proposed projects that may not require any other municipal reviews (an offshore drilling proposal, for example). Both checklists are in-house tools to assure that proposed projects are given thorough, standard reviews.

Case No._____

Compliance

Case No.		yes	part	no	n/a	comments
1. Comprehensive Plan <input type="checkbox"/> Anchorage <input type="checkbox"/> Eagle River/Chugiak/Peters Creek <input type="checkbox"/> Turnagain Arm A. Land Use Map B. Phasing Map C. Goals/Policies						
2. CBD Development Plan A. Land Use Map B. Goals/Policies						
3. Hillside Wastewater Mgmt Plan						
4. Wetlands Mgmt Plan						
5. Coastal Zone Mgmt Plan						
6. Creek Maint./Stream Protection						
7. Seismic Zone 5 Policy						
8. Avalanche Hazard Area Policy						
9. Park/Greenbelt/Rec-Fac Plan A. Anchorage B. Eagle River C. Turnagain Arm D. Far North Bicentennial Park Plan Update E. Eagle River Greenbelt Plan						
10. Trails Plan						
11. Zoning Dist Intent Statement						
12. Landscaping						
13. Transition/Buffering Requirements						
14. Screening Easements						
Date		Reviewer				

COASTAL MANAGEMENT PROGRAM
CHECKLIST FOR CONSISTENCY RECOMMENDATIONS

1. Who is the applicant for the proposed action?

2. Where is the proposed action located?

(Physical location)

(Legal description)
3. What is the action that is being proposed? (Give a brief description, such as "widening of road" or "construction of hydroelectric facilities.")
4. What uses, activities, resources and habitats may be significantly affected?
5. If wetlands are to be affected, what is their designation?
6. Will the proposed action affect an AMSA?
7. Applicable policies in the Anchorage Coastal Management Plan:
8. Applicable policies in the Anchorage Wetlands Management Plan:
9. Analysis:

(over)

10. The Municipality of Anchorage makes the following consistency determination for the proposed action.

_____ Consistent with Anchorage Coastal Management Program.

_____ Consistent with Anchorage Coastal Management Program, if stipulations are applied.

_____ Inconsistent with Anchorage Coastal Management Program.

11. Based on the evaluation of consistency conducted in Items 9 and 10 the following changes or conditions are recommended to resolve conflicts and/or make the action consistent with the Anchorage Coastal Management Program.

EXAMPLE 12

CONSISTENCY REVIEW

City of Hydaburg Checklist

This consistency review checklist is unusual because it is referred to specifically by an ordinance.

The checklist provides for:

- staff review and recommendations;
- Mayor's recommendation;
- Planning Commission approval;
- City Council decision (acting as a Board of Adjustment (or Appeal), if necessary); and
- indication of state or federal permits required.

PROJECT APPLICATION FORM

1. APPLICANT NAME/ADDRESS:

2. LOCATION OF ACTIVITY:

3. TYPE OF ACTIVITY:

4. PURPOSE OF ACTIVITY:

5. FUTURE LAND USE DESIGNATION AT LOCATION:

6. MAP SHOWING LOCATION OF PROPOSED ACTIVITY MUST BE ATTACHED TO THIS APPLICATION. THE MAP SHALL BE DRAWN TO SCALE AND SHALL INCLUDE THE FOLLOWING FOR ACTIVITIES A THROUGH H:

- * North arrow
- * A scale not to exceed 1 inch to 50 feet
- * Adjacent land uses
- * Adjacent streets, roads, trails
- * Any adjacent or nearby bodies of water
- * Easements and rights of way within and adjacent to the project site

Maps which accompany activities listed under 1 should also include:

- * A scale drawing of proposed new lot lines
- * Topographic lines at a ten foot interval
- * All proposed right-of-ways and utility easements within the proposed new lots
- * Dimensions of proposed new lots

QUESTIONS 7-15 TO BE FILLED OUT BY CITY

7. APPLICABLE POLICIES FROM THE HYDABURG COASTAL PROGRAM:

8. PROPOSED ACTIVITY IS:

☐ CONSISTENT ☐ INCONSISTENT

WITH FUTURE LAND USE MAP. IF CONSISTENT, DESCRIBE ACTIVITY.
IF INCONSISTENT, DESCRIBE POTENTIAL CONFLICTS BETWEEN THE
PROPOSED ACTIVITY AND THE DESIGNATION SHOWN ON THE FUTURE
LAND USE MAP.

9. IF THE ACTIVITY IS INCONSISTENT WITH APPLICABLE COASTAL
PROGRAM POLICIES OR WITH LAND-USE DESIGNATIONS GIVEN ON THE
FUTURE LAND USE MAP, GIVE MEASURES WHICH WOULD REDUCE OR
ELIMINATE THE CONFLICT.

10. DOES THE PROPOSED ACTIVITY REQUIRE ANY STATE OF FEDERAL PERMITS?

If yes, list the permits which are required.

11. MAYOR'S (OR HIS DESIGNEE'S) RECOMMENDATION.

12. PLANNING AND ZONING COMMISSION DECISION.

13. SIGNATURE OF PLANNING AND ZONING COMMISSION CHAIR.
(Signature denotes approval).

14. CITY COUNCIL DECISION. (Sitting as a Board of Adjustment).

15. SIGNATURE OF MAYOR. (As Chair of Board of Adjustment).

ATTACHMENT # 1

DATE OF REVIEW: April 5, 1988 4:52pm

PROJECT INFORMATION

PROJECT TITLE:
REFERENCE NUMBERS:
STATE I.D. No.
EPA Reference No.
Corps Reference No.

APPLICANT CONDUCTING ACTIVITY:

DGC CONTACT: 465-3562

ACTIVITY TYPE:

Public Utilities/Facilities
Mining
Private Residential/Commercial
Land Management Plan
Timber
Aquaculture
Other

LOCATION OF ACTIVITY:

Hydaburg District
Hydaburg Planning Area
Area Meriting Special Attention

REVIEW MILESTONES: DAY ONE:
REVIEW SCHEDULE: 30-Day/50-Day/Other

REQUEST FOR ADDITIONAL INFORMATION BY:
COMMENTS DUE BY:
PROJECT STATUS NOTIFICATION BY:
DECISION DEADLINE:
PROJECT PREVIOUSLY REVIEWED
UNDER STATE I.D. NO.:

STATE APPROVALS:

DEC Air Pollution Discharge
DEC Certificate of Reasonable Assurances (401)
DEC/EPA Wastewater Discharge
DNR Gas & Oil Leasing
DNR Land Use Permit
DNR Mineral Leasing
DNR Tideland Lease
DNR Water Appropriation
DNR Wells & Field Listing
DOTPF Driveway
DOTPF Encroachment
DOTPF Utility

FEDERAL APPROVALS:

Army Corps of Section 404
Army Corps of Section 10
Coast Guard Hazardous Wastes
Federal Environmental Impact Statement
FERC Hydroelectric License
Solid Waste Management

PART I

DESCRIPTION OF PROPOSED ACTION

1. What is the action that is being proposed?

PURPOSE:

PART II

IMPACT EVALUATION

1. What type of habitat or area will be affected by the proposed action?
(Enter "D" for directly affecting or "I" for indirectly affecting areas.)

WATERWAY OR WETLAND AREA

Marine water
Shoreline/tidal
Stream or lake
Wetland habitat (marsh, etc.)
Muskeg

UPLAND AND NON-AQUATIC AREA

Within major drainage

Directly adjacent to water body
Generally unrelated to water body

ZONING OR MANAGEMENT PLAN DESIGNATION (If known):

3. What is the quality of the affected habitat? (May need to consult ADF&G)
4. Have the affected uses, activities, resources, and habitats been mapped or inventoried in the coastal management program?
5. What is the nature and significance of the potential alteration(s)?
(EXAMPLE: Access to a significant recreation area will be obstructed; an important traditional fishing area will be degraded by development activities.)

The district may conclude at this point that it has insufficient information to fully evaluate the impacts and significance of the proposed action. If so, the following means may be used to obtain further information or assistance:

- a. Consult with appropriate city council advisory groups or persons
 - b. Hold a public meeting to obtain public opinion
 - c. Consult with the proponent or lead agency
 - d. consult with other appropriate agencies (such as: ADF&G, ADEC, ADNR)
6. Are alternative sites available for the proposed action?
 7. Have alternative sites been considered by the proponent or lead agency?

PART III
C O N S I S T E N C Y D E T E R M I N A T I O N

1. Are the alterations that will result from the proposed action consistent with all applicable policies of the coastal management program?

Name the policies with which the action is consistent/inconsistent, and briefly describe why the action is consistent/inconsistent. Attach additional sheets if necessary)

2. What is the district's consistency determination for the proposed action?

Consistent with the Hydaburg Coastal Management Program

Inconsistent with the Hydaburg Coastal Management Program

May be consistent if certain conditions or changes are applied (go to question 3)

3. What changes or conditions does the district recommend that may resolve conflicts and make the action consistent with the coastal management program?
4. FOR DISTRICT ONLY --> Does the District request that "great weight" be given to its determination because of the significance of the action?
5. What additional comments does the district have to support its consistency determination?

EXAMPLE 13

CONSISTENCY REVIEW

City and Borough of Juneau Checklists

These checklists are included in the Juneau Coastal Management Program. They provide a simple format that a reviewer can use to review the consistency of a proposed project with a CMP. Key features are:

- There is a short-form consistency review checklist which helps determine:
 - whether the project is within the City and Borough of Juneau (CBJ) coastal area;
 - whether the project is automatically consistent (based on the type of activities proposed); and
 - whether the project needs further review by the Department of Community Development.
- The Detailed Consistency Checklist lists all of the CMP's enforceable policies. The review then checks off whether the proposed development complies with each policy. As part of the analysis for each subject area (i.e. coastal development, geophysical hazards), the review pinpoints any unmet policies.

CITY AND BOROUGH OF JUNEAU
COASTAL MANAGEMENT PROGRAM
SHORT CONSISTENCY CHECKLIST

Division of Protective Inspection

1. Application Number _____
2. Date of Application _____
3. Name of Applicant _____
4. Description of Proposal: _____

(may be attached on additional sheets)
5. Location of Proposal: _____
6. ☒ YES ☒ NO Is the proposal within the CBJ coastal area? (If no, process ends here.)
7. ☒ YES ☒ NO Is the proposal to be located in any of the Special Waterfront designations described in Section 49.55.140?
8. ☒ YES ☒ NO Is the proposal a floating structure needing a conditional use permit under Section 49.55.030 (n)(o)(p) or (q)?
9. ☒ YES ☒ NO Does the proposal require filling or any encroachment of intertidal areas, wetlands, streams, lakes, rivers, or floodplains?
10. ☒ YES ☒ NO Are any basic state or federal permits needed in order for the proposal to proceed?
11. ☒ YES ☒ NO Is the proposal anything other than a one-to-four unit residential structure and/or normal appurtenances such as driveways, utilities, garages, and out-buildings?
12. ☒ YES ☒ NO If adjacent to a river, stream, lake or watershed subject to Section 49.55.120(f) or (g), is deviation from the 50 foot setback requirement being sought?

City and Borough of Juneau
Coastal Management Program
Short Consistency Checklist
Page No. 2

13. If the answer to questions 7 through 12 is "no" in each case, then the proposal is prima facie consistent with the CBJ coastal program and needs no further review.

/S/

For the City and Borough of Juneau
Division of Protective Inspection

14. If any of questions 7 through 12 have been answered with a "yes", the proposal must be taken to the City and Borough of Juneau Department of Community Development for a consistency decision, which may be made by the Department or may need to be made by the Planning Commission.

/S/

For the City and Borough of Juneau
Division of Protective Inspection

CITY AND BOROUGH OF JUNEAU
COASTAL MANAGEMENT PROGRAM
DETAILED CONSISTENCY CHECKLIST

Department of Community Development

1. General

- A. Application Number _____
State application number _____
(if applicable)
- B. Date of Receipt _____
- C. Name of Applicant _____
- D. Description of Proposal _____
(may attach additional sheets)
- E. Location of Proposal _____
- F. Outcome of Cursory Review _____
(This would include a description of additional information
needed for full-scale review.)
- G. Outcome of preliminary review _____
(This will include any suggested modifications or mitigating
measures which would cause the proposal to be consistent.)
- H. Outcome of final review _____
(This will include any stipulations or conditions which are
added in order to make the proposal consistent.)
- I. Date by which requests for further information must be made to
coordinating agency (if applicable) _____
- J. Date by which public hearing request must be submitted to
coordinating state agency (if applicable) _____
- K. Date by which consistency comments must be submitted to
coordinating state agency (if applicable) _____
- L. State agency project coordinator and contact phone number
(if applicable) _____

49.55.030 Coastal Development

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (a) | Hazards minimized? |
| ___ | ___ | ___ | (b) | Adverse effects prevented? |
| ___ | ___ | ___ | (c) | Dredge and fill regulations met? |
| ___ | ___ | ___ | (d) | Productive areas avoided? |
| ___ | ___ | ___ | (e) | 1. Navigation not impaired? |
| ___ | ___ | ___ | | 2. Waste and fuel facilities provided? |
| ___ | ___ | ___ | | 3. Water pollution prevented? |
| ___ | ___ | ___ | | 4. Access and utility access provided? |
| ___ | ___ | ___ | (f) | Tideflats, wetlands, fish passage avoided? |
| ___ | ___ | ___ | (g) | Flushing, circulation okay? |
| ___ | ___ | ___ | (h) | Anadromous fish waterbodies undisturbed? |
| ___ | ___ | ___ | (i) | Harbor areas kept for water relevant uses? |
| ___ | ___ | ___ | (j) | Port/harbor-minimize adverse impacts and allow public viewing opportunities? |
| ___ | ___ | ___ | (k) | Navigable waters kept free of hazards and obstructions? |
| ___ | ___ | ___ | (l) | Scenic qualities kept? |
| ___ | ___ | ___ | (m) | No fill below mean high tide? |
| ___ | ___ | ___ | (n) | Not a floathome? (If "NO", go to floathome regulations which have a separate checklist.) |
| ___ | ___ | ___ | (o) | Not a floating camp or floating structure intended in whole or in part for residential use? (If "NO", go to floathome regulations.) |
| ___ | ___ | ___ | (p) | Not a development intended to provide moorage for two or more floathomes? (If "NO", go to floathome regulations.) |
| ___ | ___ | ___ | (q) | Not a commercial or industrial floating structure to be fixed for more than 30 days? (If "NO", go the floathome regulations.) |
| ___ | ___ | ___ | (r) | If shoreline industrial or commercial use, is site without a special waterfront designation? |
| ___ | ___ | ___ | (s) | Is shoreline use water-related or water-dependent? |

B. Policy Analysis: (Planning Department to discuss here any unmet policies)

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.040 Geophysical Hazards

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (a) | Will surface modification not cause erosion, undermining or too much scar? |
| ___ | ___ | ___ | (b) | When a hazard area, have mitigation measures been included? |
| ___ | ___ | ___ | (c) | Will existing vegetative cover be retained to extent feasible? |
| ___ | ___ | ___ | (d) | If industrial, or resource extraction in high landslide or avalanche area - is threat kept from increasing? |
| ___ | ___ | ___ | (e) | If moderate hazard, have mitigating measures been provided? |
| ___ | ___ | ___ | (f) | Residential/commercial/industrial development kept out of floodway? |
| ___ | ___ | ___ | (g) | Will structures near watercourses be safe from floods and allow natural drainage? |
| ___ | ___ | ___ | (h) | Flood danger increased? |
| ___ | ___ | ___ | (i) | If storage of heavy equipment or raw materials in floodplain, is there protection? |
| ___ | ___ | ___ | (j) | Proposal will <u>not</u> result in storage or disposal of toxic chemicals in floodplain? |
| ___ | ___ | ___ | (k) | Sanitary landfill not proposed in floodplain? |

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.050 Recreation

A. Enforceable Policies

N/A YES NO

___	___	___	(a)(1)	If on waterbody, are effects on other uses minimized?
___	___	___	(2)	Are scenic and aesthetic resources enhanced?
___	___	___	(3)	Is access designed to minimized user concentrations?
___	___	___	(b)	Have non-water related facilities been kept away from water?
___	___	___	(c)	Proposal does not hurt protection of Auke Creek, Lake Creek and east bank of Auke Lake?

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.060 Energy Facilities

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (a) | Facility site minimizes environmental and social adverse effects? |
| ___ | ___ | ___ | (b) | Facility site compatible with other uses and community needs? |
| ___ | ___ | ___ | (c) | Facilities consolidated? |
| ___ | ___ | ___ | (d) | Has concurrent use of facility been considered? |
| ___ | ___ | ___ | (e) | Has, will there be, cooperation with adjacent land owners and others? |
| ___ | ___ | ___ | (f) | Does site have sufficient acreage for expansion? |
| ___ | ___ | ___ | (g) | Does existing infrastructure satisfy industrial needs? |
| ___ | ___ | ___ | (h) | Do harbor and shipping routes have least exposure to sea hazards? |
| ___ | ___ | ___ | (i) | Are vessel control and collision avoidance systems to be used? |
| ___ | ___ | ___ | (j) | Does site require minimal destruction of productive habitat? |
| ___ | ___ | ___ | (k) | Does site result in shipping routes which minimize oil spills? |
| ___ | ___ | ___ | (l) | Do site and facilities allow for free passage of fish? |
| ___ | ___ | ___ | (m) | Is site one of least biological productivity and where spill can be controlled? |
| ___ | ___ | ___ | (n) | Will winds and currents disperse emissions? |
| ___ | ___ | ___ | (o) | Is site intended for industrial purposes? Will traffic be minimized? |
| ___ | ___ | ___ | (p) | Will site <u>not</u> result in overcrowded harbors? |

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.070 Transportation and Utilities

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|--|
| ___ | ___ | ___ | (a) | Highway and airports: Do construction and maintenance minimize environmental damage? |
| ___ | ___ | ___ | (b) | Free passage of fish enabled in anadromous streams? Habitat disturbance prevented? Critical migration periods avoided by construction phasing? |
| ___ | ___ | ___ | (c) | Will roads and utilities protect shore features and other uses? |
| ___ | ___ | ___ | (d) | If land disposal, has access been identified/dedicated? |
| ___ | ___ | ___ | (e) | If practicable, have bike trails been provided? |
| ___ | ___ | ___ | (f) | Are transportation and utility routes kept away from beaches? |
| ___ | ___ | ___ | (g) | Is parking drained, buffered, and designed to minimize dust? |
| ___ | ___ | ___ | (h) | If new development, are utilities easily available? |
| ___ | ___ | ___ | (i) | Can and have utility corridors been integrated with transportation corridors? |
| ___ | ___ | ___ | (j) | Have overhead lines been located to avoid interfering with vistas? |

B. Enforceable Policies Analysis _____

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.080 Fish and Seafood Propagation and Processing

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (a) | Does proposal avoid interfering with fish? |
| ___ | ___ | ___ | (b) | If fish enhancement or aquaculture, is water quality kept? |
| ___ | ___ | ___ | (c) | If aquaculture proposal, is aesthetic impact minimized? |
| ___ | ___ | ___ | (d) | If aquaculture proposal, are waste control and litter standards not violated? |

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.090 Timber Harvest and Processing

A. Enforceable Policies

N/A YES NO

___	___	___	(a)	Has our Department of Natural Resources concurred with proposal?
___	___	___	(b)(1)	Adverse environmental impacts minimized?
___	___	___	(2)	Free movement of fish?
___	___	___	(c)(1)	In-water storage sites minimize adverse impacts?
___	___	___	(2)	Roads properly planned?
___	___	___	(3)	Stream crossings minimized? Can withstand floods? Pass fish?

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.100 Mining and Mineral Processing

A. Enforceable Policies

N/A YES NO

___ ___ ___ (a) Mining/mineral processing to be done in conformity
with other standards?

___ ___ ___ (b) Sand and gravel will not be taken from beaches,
waters, spits, or barrier islands?

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.110 Subsistence

A. Enforceable Policies

N/A YES NO

___ ___ ___ Will the proposal preclude continued subsistence practices?

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.120 Habitat

A. Enforceable Policies

N/A YES NO

___	___	___	(b)	Listed habitats maintained?
___	___	___	(c)(1)	Offshore areas?
___	___	___	(2)	Estuaries?
___	___	___	(3)	Wetlands and tideflats?
___	___	___	(4)	Rocky islands and seacliffs?
___	___	___	(5)	Barrier islands and lagoons?
___	___	___	(6)	Exposed high-energy coasts?
___	___	___	(7)	Rivers, streams and lakes?
___	___	___	(8)	Important upland habitat?
___	___	___	(d)	Use or activity conforms?
___	___	___	(e)	Is rehabilitation provided for?
___	___	___	(f)	Is 50' setback provided?
___	___	___	(g)	Is 50' setback provided?
___	___	___	(h)	Erosion/sedimentation prevented is buffers?

B. Enforceable Policies Analysis

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.130 Air, Land and Water Quality

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (a) | Is DEC involved/satisfied? |
| ___ | ___ | ___ | (b) | Are stream and lake sides protected? |
| ___ | ___ | ___ | (c) | If highway or arterial, have berms and planting strips been provided? |

B. Enforceable Policies Analysis _____

C. Policy Analysis: (only for CBJ-sponsored proposals.)

49.55.140 Special Waterfront Designations

A. Enforceable Policies

N/A YES NO

- | | | | | |
|-----|-----|-----|-----|---|
| ___ | ___ | ___ | (1) | Is proposal allowed outright? |
| ___ | ___ | ___ | (2) | Is proposal conditional use? |
| ___ | ___ | ___ | (3) | Is proposal an accessory? |
| ___ | ___ | ___ | (4) | Is an interpretation needed to determine whether proposal is allowable, conditional use or accessory? |
| ___ | ___ | ___ | (5) | If needed, is conditional use process started? |
| ___ | ___ | ___ | (6) | If needed, is conditional use process completed? |
| ___ | ___ | ___ | (7) | Is the project being requested as containing water-oriented uses? |
| ___ | ___ | ___ | 87) | Is use immediately along the downtown waterfront?
Is it obliged to provide a seawalk segment? |

B. Enforceable Policies Analysis: (include recommendation for interpretation if needed) _____

C. Policy Analysis: (only for CBJ-sponsored proposals.)

EXAMPLE 14

LOCAL LAND USE PLAN

City of Cordova

Ordinance establishing an Area Meriting Special Attention (AMSA)

The Eyak Lake AMSA is partly within and partly outside of the Cordova coastal district boundaries, but the two areas are ecologically linked. Because development at Eyak Lake could affect coastal resources in the Cordova district, Cordova drafted an AMSA management plan for the lake which was adopted by the Coastal Policy Council. This sets the framework for project reviews. The City of Cordova adopted Ordinance 613 to formally adopt the AMSA management plan into city law for the area of the AMSA within Cordova's corporate limits. The ordinance also includes specific enforceable policies which will govern the City's, as well as state and federal, project reviews.

Copies of the Eyak Lake AMSA plan are available from the City of Cordova or DGC.

CITY of CORDOVA, ALASKA

ORDINANCE 613

AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA, ADOPTING THE
EYAK LAKE AREA MERITING SPECIAL ATTENTION
COOPERATIVE MANAGEMENT PLAN
AND THE SIGNIFICANT AMENDMENTS TO THE
CORDOVA COASTAL MANAGEMENT PROGRAM,
AS ADOPTED BY THE ALASKA COASTAL POLICY COUNCIL ON
MAY 22, 1986

WHEREAS, the Alaska Coastal Policy Council deemed it necessary to prepare a management plan for Eyak Lake; and

WHEREAS, the City of Cordova deemed it necessary to prepare such a plan to protect the valuable fishery resource of Eyak Lake, and to maintain the water quality of the lake; and

WHEREAS, the City has extensively solicited public opinion and has coordinated with state and federal agencies, and affected private landowners; and

WHEREAS, the Significant Amendments to the Cordova Coastal Management Program (CCMP) were necessary to bring the CCMP into compliance with federal regulations;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the the City of Cordova, Alaska, that Title 18, Zoning, be amended as follows:

1. Section 18.50.030 shall be amended as follows:

The citation "18.50.070" in the last sentence shall be deleted, and "18.50.095" shall be substituted therein.

2. Section 18.50.040 shall be amended as follows:

The citation "18.50.070" in the first sentence shall be deleted, and "18.50.095" shall be substituted therein.

3. Section 18.50.050(c) shall be repealed in its entirety, and reenacted to read as follows:

Section 18.50.050 Policies - Generally

(c) Each of the policies found in Section 18.50.070 is to be preceded by the phrase "where feasible and prudent". Where the phrase "feasible and prudent" is included in a subsection of Sections 18.50.060 or 18.50.070, the policy should be implemented consistent with sound engineering practices, and should not result in economic, social, or environmental problems that outweigh the public benefit to be derived from strict compliance with the policy.

4. Section 18.50.060 shall be amended as follows:

A. The phrase "where feasible and prudent" shall be deleted from the introductory part of the section.

B. 18.50.060(a) shall be changed to add the phrase "where feasible and prudent" at the end of the sentence.

C. Section 18.50.060(b) shall be changed to insert the phrase "where feasible and prudent" after the word "no" in the second sentence.

D. Section 18.50.060(c) shall be changed to add the phrase "where feasible and prudent" at the end of the second sentence.

- E. Section 18.50.060(f) shall be changed to add the phrase "where feasible and prudent" to the end of the sentence.
 - F. Section 18.50.060(g) shall be changed to add the phrase "where feasible and prudent" to the end of the sentence.
 - G. Section 18.50.060(k) shall be changed to add the phrase "of Cordova, where feasible and prudent" to the end of the sentence.
- 5. Section 18.50.070(j) shall be repealed in its entirety.
 - 6. Section 18.50.080 shall be enacted, and shall provide as follows:

Section 18.50.080 Policies Within the Eyak Lake Area Meriting Special Attention. There is established an area within the City of Cordova which shall be defined as the Eyak Lake Area Meriting Special Attention. The boundary of the Eyak Lake Area Meriting Special Attention is as follows:

On the south, the Copper River Highway from approximately Mile 7 west to the Eyak River Bridge; thence upslope from the south side of the highway to the 500 foot contour line and westerly along the 500 foot contour line to the extended projection of LeFevre Road; thence north along the projection and LeFevre Road and its extended projection to the base of Tripod Hill which shall form the boundary on the west. The 500 foot contour line beginning at the base of Tripod Hill to a point where it crosses Power Creek above Ohman Falls; thence southerly along the east shore of Eyak Lake to the intersection with the section line between Sections 32 and 33; thence south along the section line to its junction with the CRH (point of beginning) which shall form the north and east boundaries.

The policies outlined in Sections 18.50.090 and 18.50.095 shall govern land and water uses and activities and shoreline structures within the Eyak Lake Area Meriting Special Attention. A copy of the Eyak Lake Area Meriting Special Attention Cooperative Management Plan as conceptually approved by the City of Cordova on January 16, 1986, is on file in the Office of the City Clerk, and is made a part of this title. The Eyak Lake Area Meriting Special Attention shall be referred to herein as the AMSA. The Eyak Lake Area Meriting Special Attention Cooperative Management Plan shall be referred to herein as the AMSA Management Plan, or the AMSA Plan.

- 7. Section 18.50.090 AMSA Enforceable Policies shall be enacted and shall provide as follows:

A General Policies

1) The City of Cordova will utilize existing governmental structures, authorities and regulations to the maximum extent feasible to achieve the objectives of this Area Meriting Special Attention (AMSA) management plan. The City of Cordova shall follow the procedures of the State's consistency review process as stated in 6 AAC 50, to achieve consistency with the AMSA plan and Alaska Coastal Management Program (ACMP) requirements when Federal or State permits are necessary for the project.

2) Federal and State permits issued within the AMSA shall be consistent with the policies of the approved AMSA plan. All consistency reviews conducted by the Division of Governmental Coordination (DGC) or other coordinating agency shall be consistent with the review procedures as outlined in 6 AAC 50. The City of Cordova shall be considered an affected district for all projects occurring within the AMSA.

B Water Quality

- 1) In areas with poorly draining soils, development that has sewage or waste water associated with it shall not be allowed unless connected to a sewer line or connected to a self contained holding type system.
- 2) The natural water circulation patterns in the lake shall be maintained and essential geo-hydraulic processes of accretion, transport, and erosion shall not be interrupted.
- 3) Storm water runoff controls sufficient to prevent water quality degradation shall be imposed on development adjacent to Eyak Lake and adjoining tributaries.
- 4) No development shall take place without providing adequate measures to provide for natural surface drainage runoff.
- 5) Clearing and grading operations shall be conducted in a manner so as to prevent soil erosion and sediment runoff into Eyak Lake and adjoining tributaries. The developer is responsible for utilizing the best available erosion control measures to minimize erosion and sediment runoff during clearing and construction of a proposed project. The developer will be responsible for submitting a plan to permitting agencies stating how cleared land will be stabilized to prevent future erosion and sedimentation of the lake.
- 6) Spreading oil or other pollution agents (as defined by the Environmental Protection Agency (EPA)) for dust control or surface stabilization is prohibited unless a permit for the activity has been issued by the Alaska Department of Environmental Conservation.
- 7) No contaminants shall be discharged into lake and stream waters which would degrade water quality below State or Federal standards.
- 8) Upland habitats shall be managed to retain natural drainage patterns and vegetation cover on steep slopes (70 percent or greater), and along shorelines and stream banks to prevent excessive runoff and erosion, protect surface water quality and natural ground water recharge areas.

C Fishery Production

- 1) Maintenance and enhancement of spawning areas shall be given priority consideration for shorelines. Shorelines having banks, beaches, and beds critical to the preservation of the fisheries resource base, indicated on Figure 10 of the AMSA Plan as lake and stream spawning areas, shall be maintained in their productive natural condition.
- 2) A coordinated review in accordance with 6 AAC 50 shall be required with Alaska Department of Fish and Game (ADF&G) and appropriate federal and State agencies before any activity in a water body is undertaken.
- 3) Facilities for storing and distributing fuel shall not be located within the active floodplain of a stream.

D Wildlife Habitat

- 1) In freshwater marshes and wetlands, maintenance of the natural functions is the highest priority. Development is prohibited except where it will not alter the natural functions or fish and wildlife habitat and where it meets a greater long-term public need.
- 2) All public works activities such as transportation projects, utilities, sewers, and drainage activities shall protect any freshwater marshes and wetlands from adverse impacts unless there

is a significant public need for a proposed use or activity for which no feasible and prudent alternative exists and all feasible and prudent steps have been taken to maximize conformance with the AMSA plan policies.

3) Wildlife habitat contained in the areas adjacent to the eastern shore of the lake from the mouth of Hatchery Creek to the ADF&G weir, including the wetland north of the Copper River Highway (CRH) and east to the AMSA boundary, shall be protected from adverse impacts. The resources principally using this habitat are the feeding and resting birdlife and nesting eagles, swans and loons particularly.

4) Habitat of swans, eagles and loons shall be protected.

E Future Development

1) Water-dependent and water-related uses and activities shall be given priority consideration for location on the lakeshore. Uses and activities other than residential uses that are neither water-dependent nor water-related shall only be allowed if there is no feasible and prudent inland alternative to meet the public need for the use or activity.

2) Only those uses which require an over-water location shall be permitted beyond the ordinary high water mark of the lake or inside the natural wetland boundary.

3) Where feasible and prudent, developments in or over the water, such as piers, docks, and protective structures shall be located, designed, and maintained in a manner which prevents adverse impacts upon air and water quality, fish, wildlife, scenic and vegetative resources.

4) Floating or open pile or pier support structures shall be used in lieu of fill for piers or docks which project into the water.

5) Development which would be a hazard to public health, safety, or the general welfare or would materially interfere with the natural processes shall not be allowed.

6) Adequate building setbacks from lake and stream waters and wetlands shall be established and maintained. These setbacks shall be a minimum of 20 feet from any part of a structure to the ordinary high water mark. Structures in existence at the time of adoption of this plan that are destroyed or damaged may be rebuilt within the existing foundation line.

7) Structures or development of uses accessory to residential use (storage shed, well house, garage, etc.) shall retain shoreline open space, be visually and physically compatible with adjacent cultural and natural features, and be reasonable in size and purpose. Such development shall not be permitted in required shore setback spaces, or permitted over water unless clearly water-dependent, such as piers and floats.

8) The design of structures near watercourses shall preserve stream bank and channel integrity, reduce the impact of flooding and allow for natural drainage.

9) Historic landslide areas or areas prone to landslides, slumping, or other forms of mass wasting shall be subject to a geotechnical investigation to determine if development is allowable and, if so, what design measures shall be required to protect human life and property. The geotechnical study shall be submitted to permitting agencies and approved prior to development.

10) All new mineral extraction operations shall employ buffers, erosion and sedimentation control measures and/or other suitable precautionary measures as necessary to protect adjoining lands and waters from adverse impacts resulting from the operations.

11) Surface modification that would induce excessive erosion or undermine the support of nearby land shall be prohibited.

12) Reclamation plans shall be submitted to permitting agencies and approved prior to mineral and gravel extraction activities. Reclamation plans shall be designed to insure that projects are conducted and reclaimed in accordance with all applicable AMSA plan policies.

13) Eyak Lake waters shall be kept free of hazardous or obstructive development which could create a hazard to users of the waters.

F Recreation and Scenic Values

1) Points of recreational and visual access to the shoreline and stream deltas shall be provided and protected, consistent with public safety and private property rights.

2) Off-road vehicles such as snowmachines, airboats, and 3-wheelers are prohibited on the Power Creek Delta, the wetland adjacent to Southeast Arm, and all lake tributary streambeds, except as necessary for public health and safety and maintenance and patrol of private lands by authorized persons.

3) Off-road vehicles shall be limited to designated routes and/or areas to insure protection of users and resource values, to minimize conflicts.

4) Utilities shall be installed underground wherever feasible and prudent.

5) Public beach designations, swimming areas, camping sites, toilets, and picnic facilities shall be established, and existing facilities improved where public need warrants, and public funding is available.

6) The following areas and trails shall be retained, classified, and/or managed as recreation resources in accordance with applicable statutory requirements and private property rights. (See figure 12 of the AMSA Plan). The current managing agency is shown for each area.

- a. boat ramp (City) - east end of runway
- b. north shore beach (Alaska Department of Natural Resources (DNR)) - boat launch and picnic area
- c. Nirvana Park (City) - picnic and group use
- d. The Spit (City) - swimming, picknicking, viewing, floatplane moorage
- e. Skater's Cabin (City) - picnic, skating, swimming, trailhead and group use
- f. Hatchery Creek culvert crossing (Eyak Corporation & Alaska Department of Transportation/Public Facilities (DOTPF)) - spawning fish and bear viewing
- g. Power Creek Road turnouts (DOTPF) - wildlife and scenic viewing, informal picknicking
- h. Power Creek trail (United States Forest Service (USFS)) - hiking and access
- i. Crater Lake trail (DNR) - hiking and access
- j. CRH turnouts (DOTPF) - scenic viewing
- k. Mavis Island and causeway (DNR) - public recreation
- l. Eyak River bridge^a turnout (DOTPF) - swan viewing, trailhead for Eyak River Trail, scenic point.

8. Section 18.50.095 Recommended Guidelines shall be enacted and shall provide as follows:

A Wildlife Habitat

1) Birdlife shall be protected from disturbance, especially from discharge of firearms and motorized vehicles and equipment during freezeup conditions in the vicinity of open water near the ADF&G weir.

B Recreation and Scenic Values

- 1) The State DOTPF should maintain the identified highway pullouts for scenic and viewing purposes.
- 2) All agencies shall strive to maintain the potential for high quality public recreation in the AMSA by their actions.
- 3) Recreation and access developments shall preserve or enhance scenic views and vistas, as well as improve the aesthetic value of the area.
- 4) The State should provide/increase the buffer areas around existing highway turnouts by developing complementary uses such as picnic sites adjacent to the turnouts and/or restricting uses of adjacent State land so conflicting uses don't arise.
- 5) Timber harvest activities should be managed so as to protect the AMSA from adverse visual impacts. A mitigation plan, describing how visual impacts will be minimized, should be developed and implemented by the land managing agency or land owner for any harvesting activity regulated by the State Forest Resources and Practices Act.

This ordinance shall be enacted and published in accordance with Section 2.13 of the Charter of the City of Cordova.

This ordinance shall be published in the Cordova Times, a newspaper of general circulation, within ten (10) days of its passage.

First Reading: 10/6/86

Second Reading: 10/20/86

PASSED AND APPROVED this 20th day of October, 1986.

Erling T. Johansen
Mayor Erling T. Johansen

D. Lynda Plant
City Clerk D. Lynda Plant

APPROVED AS TO FORM:

CITY ATTORNEY

BY: Scott H. Finley
SCOTT H. FINLEY

JENSEN, HARRIS & ROTH

CITY OF CORDOVA, ALASKA

ORDINANCE 614

AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA,
INCORPORATING THE CORDOVA COASTAL MANAGEMENT PLAN AND
AMENDING THE BOUNDARIES OF THE CORDOVA COASTAL DISTRICT

WHEREAS, the Alaska Coastal Policy Council deemed it necessary to prepare a management plan for Eyak Lake; and

WHEREAS, significant amendments to the Cordova Coastal Management Program were necessary to bring it into compliance with federal regulations; and

WHEREAS, the City of Cordova has conceptually approved the amendments; and

WHEREAS, the boundaries of the Cordova Coastal Zone have been expanded to include that portion of the Eyak Lake Area Meriting Special Attention which lies within the present city limits; and

WHEREAS, the use classifications of portions of the Cordova Coastal Zone have been changed;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cordova, that Title 18, Zoning, be amended as follows:

Section 18.12.170(d) shall be enacted and shall provide as follows:

D. Cordova Coastal Management Program. A certified copy of the reprinted Cordova Coastal Management Program, with the significant amendments as approved by the Alaska Coastal Policy Council on May 22, 1986, shall be kept on file in the office of the City Clerk, and which, with all explanatory matters thereon, is made a part of this title.

BE IT FURTHER ORDAINED, that the boundaries of the Coastal Zone and Management Districts shown on the zoning map of the City of Cordova, a certified copy of which is on file in the office of the city clerk pursuant to CMC 18.12.070(c), be amended to comply with the Cordova Coastal Management Plan with the significant amendments as approved by the Alaska Coastal Policy Council on May 22, 1986.

This ordinance shall be enacted and published in accordance with Section 2.13 of the Charter of the City of Cordova.

This ordinance shall be published in the Cordova Times, a newspaper of general circulation, within ten (10) days of its passage.

First Reading: 10/6/86

Second Reading: 10/20/86

PASSED AND APPROVED this 20th day of October, 1986.

Mayor Erling T. Johansen
Mayor Erling T. Johansen

D. Lynda Plant
City Clerk D. Lynda Plant

APPROVED AS TO FORM:

CITY ATTORNEY

BY: Scott H. Finley
SCOTT H. FINLEY

JENSEN, HARRIS & ROTH

EXAMPLE 15

LAND USE REGULATIONS

Kodiak Island Borough Form for Staff Review

The key part of a staff review is to be able to give clear, quick communication of results to the decision-makers needing the information. This memorandum format gives straight-forward answers about a proposed project to the planning commission, so that the commission members can quickly learn the basic information about a project and how it stacks up against the CMP.

M E M O R A N D U M

DATE:
TO: Planning and Zoning Commission
FROM: Community Development Department
SUBJ: Information for the June 18, 1986 Regular Meeting

RE:

Site visit date:

1. Existing zoning:

2. Minimum lot size:

Compliance: Yes/No

3. Minimum lot width:

Compliance: Yes/No

4. Maximum lot depth-to-width ratio:

Compliance: Yes/No Not Applicable

5. Existing land uses:

Compliance: Yes/No Not Applicable

6. Existing structure(s) on the property:

Compliance with setbacks: Yes/No

Compliance with other zoning regulations: Yes/No

Encroachments: Yes/No

7. Topography:

Provides good building sites: Yes/No

Provides good parking areas: Yes/No

Allows driveway construction
to meet maximum slope requirement: Yes/No

Justifies a flag lot: Yes/No

8. Physical Features:

ITEM VI-

Wetlands, streams, drainage courses:	Yes/No
Need for driveway/access restrictions:	Yes/No
Adequate line of sight:	Yes/No
9. Existing Plat Restrictions:	Yes/No
Compliance:	Yes/No
10. Coastal Management applicable policies:	

COMMENTS:

RECOMMENDATION:

cc: Case File

EXAMPLE 16

LAND USE REGULATIONS

Kodiak Island Borough Brochure

An important aspect of land use regulations is how the public can get involved in the review of proposed projects. This brochure tells:

- who is notified;
- when a public hearing is held;
- public appeal procedures; and
- where to go for more information.

Who is entitled to appeal?

The following people and groups can appeal a Planning and Zoning Commission decision:

- ☐ the applicant
- ☐ any person who has received a written notice, submitted timely written comments, or gave oral testimony at the public hearing
- ☐ any review agency

Section 17.40 of the Kodiak Island Borough Zoning Ordinance addresses regulations governing who may speak and other guidelines or restrictions on testimony.

3. For More Information

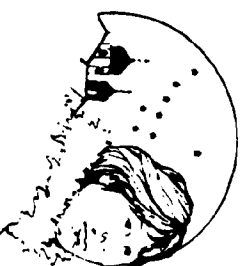
For more information on rezoning criteria and approval, refer to section 17.40 of the Kodiak Island Borough Zoning Ordinance. Additional assistance can be provided by:

Community Development Department
Kodiak Island Borough
710 Mill Bay Road, Room 204
P.O. Box 1246
Kodiak, Alaska 99615
(907) 486-5736

Community Development Department
Kodiak Island Borough
710 Mill Bay Rd., Room 204
P.O. Box 1246
Kodiak, Alaska 99615

To:

PUBLIC NOTIFICATION AND APPEAL PROCEDURES



**Kodiak
Island
Borough**

PUBLIC NOTIFICATION & APPEAL PROCEDURES

1. Public Notification

Conditional uses, rezonings, planned unit development, and variances all require a public hearing. The following public notice procedures apply to public hearings before the Planning and Zoning Commission:

- ☐ The Director of the Community Development Department will place accepted applications for the above actions on the commission agenda. The agenda is published in the Kodiak Daily Mirror and the Kodiak Times at least 7 days before the hearing and prior to the Planning and Zoning Commission packet review meeting.
- ☐ Copies of a notice describing the proposed action and protest rights are mailed to all real property owners within a minimum of a 300 foot radius of the site or five adjacent property owners, whichever is greater. Additional distribution of notice may be required by the Director, based on the potential impacts of the proposed development. The notice will be mailed no later than 10 working days after the close of the Commission agenda for the next meeting.
- ☐ If written objections from 50% or greater of the real property owners are logged in writing with the Director at least one working day prior to the Commission meeting considering the application, it shall take at

least five favorable votes of the Commission to approve the application.

Procedure

- ☐ A written notice of appeal must be filed with the Clerk of the appropriate jurisdiction specifically stating the reason for appeal and the relief sought. Payment of an appeal fee is required.
- ☐ An appeal must be filed within 10 working days of the final action of the decision-making body.
- ☐ The Clerk of the appropriate jurisdiction shall schedule the appeal hearing, mail notice of appeal, and notify the decision-making body of the appeal.
- ☐ Any person affected by the decision being appealed may submit written testimony supporting or opposing the appeal to the Clerk of the appropriate jurisdiction. At the appeal hearing, only the people who submitted a written argument may present oral testimony.
- ☐ The appellate body shall either affirm or reverse the decision in whole or part by resolution. The must prepare written findings on their decision, which will be mailed to the parties to the appeal within 10 working days.

2. Appeal Procedure

Any administrative decision regarding the Kodiak Island Borough Subdivision and Zoning Ordinances can be appealed. An appeal of an action will be considered upon petition of any person entitled to appeal the decision. Depending on the type of action, the decision-making body could be the Planning and Zoning Commission, a city council, or the Borough Assembly. The hierarchy for appeals is as follows:

- ☐ Administrative (staff) decisions are appealed to the Planning and Zoning Commission.
- ☐ Planning and Zoning Commission decisions are appealed to either the Borough Assembly or the appropriate city council, depending on the type of action and jurisdiction.
- ☐ A decision made by the Borough Assembly or a city council can be appealed to Superior Court.
- ☐ In the case of a government body appealing its own decision, a hearing officer will be appointed to hear the appeal.

EXAMPLE 17

LAND USE REGULATIONS

City of Hydaburg Ordinance Adopting CMP Policies

This ordinance was adopted by the City of Hydaburg. It implements the CMP by requiring that development be consistent with enforceable policies. In the case of Hydaburg, the CMP enforceable policies are the primary land use regulations of the city.

In a district where there currently are no zoning, subdivision, or other regulations, this ordinance may prove helpful.

CITY OF HYDABURG, ALASKA
ORDINANCE # 84-3

AN ORDINANCE OF THE CITY COUNCIL OF HYDABURG ESTABLISHING
MUNICIPAL PROJECT REVIEW AUTHORITY.

SECTION 1: CLASSIFICATION

This ordinance is of a general and permanent nature and shall become a part of the City Code upon adoption.

SECTION 2: INTRODUCTION

State regulation (ACC 85.100) requires that District Coastal Management Programs contain a description of the methods and authority which will be used to implement the district program. The Hydaburg program lists comprehensive plans and local ordinances as key implementation measures. The program also contains an internal implementation device in the form of a consistency determination checklist, which allows the city to systematically apply the district program policies during consistency reviews of Local, State, and Federal activities.

SECTION 3: TITLE AND PURPOSE

This ordinance shall be known as the Hydaburg Project Review Ordinance. It is the purpose of this ordinance to implement the district policies of the Hydaburg Coastal Management Program by requiring that certain development activities within the corporate boundaries of Hydaburg be consistent with the Program.

SECTION 4: SUNSET PROVISION

This ordinance shall remain in effect from the date of its adoption by the Hydaburg City Council until such time as both a municipal zoning ordinance and a subdivision ordinance have been approved and adopted by the City Council.

SECTION 5: SEVERABILITY

If any provision of this ordinance, or any application of it to any person or circumstance is held invalid, the remainder of this ordinance shall remain unaffected.

SECTION 6: PROVISIONS

1. Applicants must obtain the approval of the City of Hydaburg before undertaking a development activity regulated by the terms of this ordinance. If an applicant is not certain if a proposed activity is or is not regulated by the terms of this ordinance, the applicant shall obtain a determination from the Mayor or his designee. An applicant may not commence a project regulated by this ordinance until project approval has

been granted by the Planning and Zoning Commission, or, in the case of an appeal, the Board of Adjustment.

2. The classes of activity which shall be subject to review under this ordinance shall include:
 - A. New Residential Construction.
 - B. New Commercial Construction.
 - C. New Industrial Construction.
 - D. Public Facilities Construction.
 - E. Construction of New Roads.
 - F. Any additions or improvements to existing structures, which additions or improvements have a materials cost equal to or exceeding \$5,000.
 - G. Any development activity within the Hydaburg River Watershed.
 - H. Gravel extraction and dredge and fill activities between the mean high tide line and mean low tide line.
 - I. Subdivision of land into five or more lots when each lot is less than 1/2 acre in size.
3. Planning and Zoning Commission decisions shall be made on the basis of enforceable policies expressed in the Hydaburg Coastal Management Program, and on the designations given in the Future Land-Use Map.
4. The Planning and Zoning Commission shall authorize those actions which, in its deliberations, are in conformance with coastal program policies and the Future Land-Use Map. Unsuccessful applicants may amend their proposal or appeal.
5. The Clerk of the Planning and Zoning Commission shall submit a quarterly report of Commission activities to the City Council, for City Council review. The Council may not amend or reverse a Commission decision except as stated in this ordinance.

SECTION 7: APPEALS

1. An applicant whose application is denied approval by the Planning and Zoning Commission may appeal the denial to the City Council, which will sit as a Board of Adjustment in such cases. An appeal must be filed by the applicant within twenty (20) days of the date of denial by the Planning and Zoning Commission. The Board of Adjustment will have 14 days from the date of receipt of an appeal to uphold the Planning and Zoning Commission decision, or to amend and override the Planning and Zoning Commission decision.

2. A decision by the Board of Adjustment to uphold a denial by the Planning and Zoning Commission shall be final and conclusive thirty (30) days from the date that the decision is delivered or mailed to the applicant, unless the applicant appeals to the Superior Court of the State of Alaska, as provided in the Rules of Appellate Procedure, State of Alaska.
3. The initial cost of transcription and certification of all records ordered certified by a court for review shall be borne by the party filing the suit; provided, however, that such cost shall ultimately be awarded to the prevailing party.
4. Activities of the Board of Adjustment not described in this section shall be as set forth in City of Hydaburg Ordinance #82-6.

SECTION 8: PENALTIES FOR VIOLATION

1. Violation of any of the provisions of this ordinance, or any amendments thereto, shall constitute a misdemeanor and shall be punishable by a fine of \$50. Every day which passes from the initial infraction in which no action has been taken to correct the violation shall be considered a separate offense.
2. Nothing in this ordinance shall prevent the City of Hydaburg from taking such other lawful action as necessary to prevent or remedy any violation.

SECTION 9: REPEAL OF CONFLICTING ORDINANCES

Notwithstanding of any ordinances to the contrary, the terms and conditions of this ordinance shall have full force and effect.

SECTION 10: DEFINITIONS

APPLICANT.

Any firm, association, organization, partnership, trust, company, corporation or individual who is required to complete a Project Application form under the terms of this ordinance.

COMMERCIAL.

An establishment which exists a primarily for retail and wholesale sales of products not manufactured on the premises--
. A residential structure containing five (5) or more dwelling units.

COTTAGE INDUSTRY.

Manufacture of goods such as dolls, baskets, jewelry, etc., in a structure which is used as the primary residence of the manufacturer.

INDUSTRIAL.

An establishment which exists primarily for manufacturing, processing, refining, storing or assembling products for sale or for lease, or for use by the owner; except, cottage industries shall not be defined as industrial.

PUBLIC FACILITY.

Any structure or improvement which is built with public funds, or which is built with private funds but for a recognized public purpose, such as a church, meeting hall, playing field, etc.

RESIDENCE.

A structure containing four (4) or less dwelling units.

SECTION 11: EFFECTIVE DATE

This ordinance shall become effective upon the date of its approval by the Hydaburg City Council.

EXAMPLE 18

SPECIAL ZONING DISTRICT

City of Valdez Zoning Ordinance

This zoning ordinance establishes a conservation district in Valdez's coastal areas. It was adopted as an amendment to the Valdez Zoning Code and implements one of the policies of the Valdez Coastal Management Program.

Its purpose is to enhance and protect existing fish and wildlife habitat. To achieve this purpose, the lands which are zoned "conservation" are subject to general development guidelines.

- Permitted principal uses: These are the primary uses of a lot which are permitted without governmental review.
- Permitted accessory uses and structures: These are allowable uses which are secondary to another use occurring on the lot. They are not subject to governmental review.
- Conditional uses: These must be approved by the Planning and Zoning Commission because they could have detrimental impacts on fish and wildlife habitat. The Commission has the authority to place "conditions" or restrictions on the uses affecting their location, hours of operation, design, and other characteristics.
- Prohibited uses: These are not allowed because their very existence in this zone would harm fish and wildlife.
- Minimum lot requirements: These are length, width, and other specifications that affect the design of a lot.
- Minimum setback requirements: The distance a use on a lot must be from the front, side, and rear lot lines.
- Other special conditions: Other uses, such as signs, may be allowed in zoning districts. Often the allowed size of a sign varies with the type of district. Much of the lands classified as "conservation" in Valdez

includes streams. Because of this situation, the conservation district regulations also include a special setback requirement for anadromous streams (streams with salmon).

This example can help you tailor your own ordinance to meet the policies of your district's coastal program. Or, you can contact the Alaska Department of Community and Regional Affairs (DCRA) for help in writing an ordinance.

(2) Lot area: None.

(g) Minimum setback requirements.

Front yard, side yard and rear yard subject to Building Code regarding fire walls and separation of buildings.

(h) Maximum lot coverage by all buildings and structures: Unrestricted.

(i) Maximum height of buildings and structures.

Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this chapter.

(j) Required off-street parking and loading. Adequate off-street parking and loading spaces shall be provided in conjunction with any permitted use in accordance with the requirements set forth in sections 30-39 and 30-40.

(k) Signs. Signs may be allowed in conjunction with any permitted use subject to the provisions of section 30-38.

Sec. 30-28. UL, unclassified lands district.

The unclassified lands district is intended to include lands which are undeveloped and cannot be precisely zoned due to inadequate information on the extension of public services and utilities, and the suitability of the land to support commercial, residential, industrial or public uses.

Prior to the development of unclassified lands, the lands must be rezoned following procedures outlined in article VI of this chapter.

Sec. 30-29. CO, conservation district

(a) Intent. The Conservation District is intended to include only those public lands which have been identified as critical habitat for fish and wildlife by State or Federal agencies. The primary use of these lands will be for the enhancement and protection of existing fish and wildlife habitats. Other acceptable uses in this district would include parks whose recreation activities and facilities would be passive in nature. Passive is defined as those activities which include wildlife viewing, nature walks, educational and interpretive uses and other uses that do not change the character of the land or disrupt fish and wildlife. Passive activities would be secondary to habitat protection and enhancement.

(b) Permitted principal uses: Because the principal use of this land

is for wildlife protection and enhancement these lands should be maintained in an undisturbed and natural state.

(c) Permitted accessory uses and structures: Weirs and other structures necessary for the study of or enhancement of habitats.

(d) Conditional uses:

- (1) Vehicle pullouts, parking lots and access roads;
- (2) Pedestrian trails including boardwalks and viewing platforms;
- (3) Interpretive displays including signage.

(e) Prohibited uses and structures:

- (1) Any use or structure that would disrupt or have adverse affects on fish and wildlife;
- (2) Any use or structure not of a character indicated under permitted principal uses or permitted as an accessory or conditional use.

(f) Minimum lot requirements:

- (1) Lot width: Unrestricted.
- (2) Lot area : Unstricted

(g) Minimum setback requirements: All lands adjacent to Conservation Districts will be required to maintain a minimum 25 ft. setback.

(h) Signs: Signs may be allowed in conjunction with any conditional use and will be approved on a case by case basis.

(i) Anadromous stream setbacks: A minimum of 25 ft. setback for all designated anadrmous streams. Additional setback distances can be applied on a case by case basis.

Division 3. Supplementary Regulations.

Sec. 30-30. Application.

In addition to regulations indicated for individual districts in division 2 of this article, the regulations in this chapter apply in individual districts, groups of districts or all districts as indicated.

EXAMPLE 19

LOCAL LAND USE REGULATIONS

Kodiak Island Borough Zoning Compliance Permit

The Kodiak Island Borough has included a coastal consistency review among the criteria for Zoning Compliance Permits. This means that all proposed construction projects must meet coastal management criteria as well as other zoning criteria in order to earn a Zoning Compliance Permit.

The Kodiak system requires the permit reviewer to make his or her own determination of the consistency of the proposed project with the Borough's Coastal Management Program. It does so by asking the reviewer to:

- list the applicable policies;
- indicate whether the proposed action (project) is consistent with the CMP;
- indicate which policies the action is in conflict with and how; and
- propose conditions that should be met by the applicant to mitigate any conflicts with the policies.

You can also use the above format for reviewing a project as part of the state consistency review process. This format could serve as your outline for written comments.

ZONING COMPLIANCE PERMIT

1. PROPERTY OWNER/APPLICANT

Zoning Compliance #: _____

Name _____
Address _____ Telephone _____

2. LEGAL DESCRIPTION OF PROPERTY

Street Address _____
Lot, block, subdivision _____
Survey, other (e.g. township/range) _____
Tax code # _____

3. DESCRIPTION OF EXISTING PROPERTY

Zoning _____	Square footage of lot _____	Minimum lot width _____
Average lot depth _____	Average lot width _____	Lot depth to width ratio _____
Use and size of existing buildings on the lot _____		

4. DESCRIPTION OF PROPOSED ACTION (attach site plan)

5. ZONING REQUIREMENTS FOR NEW CONSTRUCTION

Type of structure(s) _____	
Minimum Setbacks—Front _____	Rear _____
Sides _____	Additional Setbacks _____
Maximum projection(s) into required yards _____	
Maximum building height _____	Maximum lot coverage _____
Number and size of parking spaces required _____	
Off-street loading requirement _____	
Plat related requirement(s) _____	
Other (e.g. zero lot line) _____	

6. CONSISTENCY WITH COASTAL MANAGEMENT PROGRAM

Applicable policies _____
Proposed action consistent with Borough Coastal Management Program — Yes No
Proposed action conflicts with policies (note policy and describe conflict) _____
Conditions attached to Consistency approval to mitigate conflicts noted above _____

7. APPLICANT CERTIFICATION

I hereby certify that I will comply with all provisions of the Kodiak Island Borough Code and that I have the authority to certify this as owner, or representative of the owner, of the property(s) involved.	
Signed _____	Date _____
Title _____	

8. SUPPORT DOCUMENTS ATTACHED

Site Plan _____	Other _____
-----------------	-------------

9. BOROUGH STAFF APPROVAL

Staff Approval _____	
Signed _____	Date _____
Title _____	
Building permit # _____	

EXAMPLE 20

OVERLAY DISTRICT

City of Barrow Historic District

The City of Barrow uses an overlay zone to protect the historic character of their waterfront. The zone is intended to enhance and preserve Barrow's waterfront area and views as part of the Inupiat cultural tradition of living on or near the water.

The overlay zone applies development restrictions in addition to the zoning requirements of the underlying district. In this case, the underlying zone allows for governmental commercial uses. The additional restrictions placed by the Overlay Zone require the project to be reviewed by the Commission on History and Culture, as well as meet additional design standards.

Your district can use overlay zones to ensure that historic and other values are preserved. There are endless possibilities for using overlay zones. For example:

- airport overlay zone: establishes additional height, lighting, sign, and use restrictions.
- hillside overlay zone: requires height, road construction, and other design features for development on slopes of a certain steepness or greater.
- wetlands overlay zone: precludes or restricts development to ensure protection of the habitat and groundwater.

uses are allowed, supplemented by limited neighborhood commercial uses. This is an area in which the predominant use is residential, ranging from single-family to multi-unit apartment buildings.

B. Permitted and conditional development is found in the table of allowed development in Section 19.40.240. Be sure to reference notes on uses following the table. (Ord. 75-6-14 §3(19.40.040(C)), 1984).

19.40.190 Nunaaggim Qitqa N district. (Downtown)

A. Purpose. The Nunaaggim Qitqa N district is intended to provide areas for commercial and governmental uses. This is an area of high density development primarily devoted to buildings and spaces in which the people of Barrow meet together, work and make a living. The area is characterized by large buildings which contain offices and stores devoted to providing work space for the main parts of the Barrow cash economy, be it government or private enterprise. Development shall be designed to encourage pedestrian movement throughout the area and to avoid traffic congestion. The district is intended to allow a mixture of residential and commercial uses. Development should enhance the role of the downtown area as a place for meeting and cultural exchange.

B. Permitted and conditional development is found in the table of allowed development in Section 19.40.240. Be sure to reference notes on uses following the table. (Ord. 75-6-14 §3(19.40.040(D)), 1984).

19.40.200 Savagvikpaich Inaat Tutqugsiviklu I district. (Industrial and Storage)

A. Purpose. The Savagvikpaich Inaat Tutqugsiviklu I district is intended to provide and preserve areas which are used for storage and warehousing of materials and goods in bulk. This is an area of development which is generally not compatible with residential and commercial uses because of conflicts, including heavy truck and equipment traffic which should be separated from pedestrians and residential and business traffic. The area is characterized by loading docks, terminals, storage sheds and accessory offices connected with the primary use. This area is also intended to provide for uses which are predominately related to and dependent upon or connected to aviation, shipping and other transit.

B. Permitted and conditional development is found in the table of allowed development in Section 19.40.240. Be sure to reference notes on uses following the table. (Ord. 75-6-14 §3(19.40.040(E)), 1984).

19.40.210 Taamanaqana Tulaugikviat overlay district. (Waterfront Historic)

A. Purpose. The Taamanaqana Tulaugikviat overlay district is intended to enhance and preserve Barrow's

waterfront area and views as part of the Inupiat cultural tradition of living near or on the water. This area contains many historic and cultural sites which are important to the Inupiat people. Development in this area must provide protection for areas, sites or structures of cultural, historic, archeologic, architectural or religious significance.

B. District Requirements. The requirements of this overlay district will be applied in addition to the requirements of the underlying use district.

1. Permitted Development and Standards. All uses permitted by right in the underlying district subject to the standards in subsection (B)(3)(f) of this section.

2. Conditional Development and Standards. All conditional development in the underlying district subject to the standards in subsection (B)(3)(f) of this section.

3. Application.

a. In addition to the procedures provided in Section 19.40.290 for a conditional use permit, a copy of any application for a conditional use permit in the Taamanaga Tulaugikviat (Waterfront Historic) overlay district shall be forwarded to the commission on history and culture by the zoning administrator within three working days of its acceptance.

b. No application for conditional use permit in the overlay district shall be approved within fifteen working days of its acceptance without a written letter of response from the commission on history and culture having been received by the zoning administrator.

c. The letter of response may include both comments and recommendations of approval or disapproval. Such comments and recommendations shall become part of the application, case file, and all public notices related to the application.

d. Applications for variances and rezonings in the overlay district shall also be referred to the commission on history and culture in the same manner as that provided for conditional use permits.

e. The commission on history and culture may establish a subcommittee of its three Barrow members and alternates to review applications and approve a letter of response when delay to the next regular meeting would exceed the fifteen working days time limit and/or create an unnecessary inconvenience for the applicant. The commission may also delegate this responsibility to its liaison officer, who shall consult with Barrow members of the commission before making a decision.

f. Permitted or conditional development shall be guided by the following general standards in addition to the underlying district standards. The burden of proof shall be on the developer to show that the following standards have been met:

i. Every reasonable effort shall be made to provide a compatible use or reuse of the property which requires minimal alteration of structures or the site;

ii. Development shall be compatible with historic sites listed on the National Register of Historic Places, sites eligible for such inclusion, or with tradition activities at cultural or historic sites identified in borough or village inventories;

iii. Visual appearance of the proposed development shall be compatible with the character of the waterfront, as determined by the zoning administrator or the commission on history and culture. "Visual appearance" shall include, but not be limited to, architectural design, height scale, color, texture and material of buildings and structures as well as signs, power or telephone lines, grading, roads, parking, storage, fencing and lights;

iv. Development shall be of a height, scale or color which does not significantly interfere with traditional views of the waterfront, shore, ice and water from adjacent roads, properties, ridges, whaling sites and other areas on or adjacent to the waterfront;

v. Public access to the waterfront should be preserved, including access for people, boats, snow machines and vehicles. The commission on history and culture may recommend, and the zoning administrator and platting authority may require, the dedication of suitable public access easements or rights-of-way in larger waterfront developments or in those where there is a finding that public access may be significantly diminished or altered;

vi. The availability of feasible alternative locations outside the district. (Ord. 75-6-14 §3(19.40.040 (F)), 1984).

19.40.220 Inim Nauviksrana MR district. (Municipal and Subsistence Reserve)

A. Purpose. The municipal and subsistence reserve district is intended to provide protection for local subsistence, recreation and environmental resources and to act as a holding area for lands which require urban infrastructure such as roads, sewer, water and power before they can be developed. Rezoning from another district is not appropriate unless adequate services and infrastructure are available or imminent such as those included, funded and scheduled for construction in the borough capital improvements program, or those which are privately funded. Subdivision approval is required to obtain adequate lots and public access. Limited temporary or seasonal subsistence-related development is allowed, along with limited public, educational and related uses. Protection of the environmental resources such as watersheds for the use of all the residents of Barrow is a prime concern. Development which is not directly related to

EXAMPLES 21 AND 22

OVERLAY DISTRICTS

City of Craig Special Considerations Overlay District and Limited Marine Industrial Overlay District

The development of the Craig Land Development Code was funded, in part, through the Alaska Coastal Management Program. Two of its regulations are a Special Considerations Overlay District and a Limited Marine Industrial Overlay District. They govern development in these sensitive areas:

- slopes greater than 25 percent;
- landslide hazard area;
- identified habitat areas;
- designated historic areas;
- hillside above Craig;
- shoreline (setbacks);
- streamside (setbacks);
- protected area of Crab Bay; and
- marine industrial area adjacent to residential uses.

They show the different types of environmental features and land uses which an overlay district can protect. The wording used in these ordinances may be helpful as a model for a similar zoning designation in your own district.

18.05.020 SPECIAL CONSIDERATIONS OVERLAY

Proposed uses within this overlay are subject to the following:

A. SLOPES GREATER THAN 25%

When this overlay is applied to areas with slopes greater than 25%, the design and construction plans for all proposed development shall be certified by a professional engineer licensed by the State of Alaska. The City building official may require that site specific soil tests or other relevant evaluations be made to insure the stability and safety of the development.

SEE COMPREHENSIVE PLAN ZONING MAP FOR AREAS SUBJECT TO THIS OVERLAY. (For further reference see "Natural Hazards" section and Natural Hazards Map in the Craig Comprehensive Plan.)

B. WITHIN THE LANDSLIDE HAZARD AREA

Proposed development and uses are subject to review under Section 18.06.002 C&I, Conditional Use Permits, Required Criteria for Approval - C. and Additional Criteria for Approval for Proposals in the Special Considerations Overlay - I. #1 Within a Landslide Hazard Area.

SEE COMPREHENSIVE PLAN ZONING MAP FOR AREAS SUBJECT TO THIS OVERLAY. (For further reference see "Natural Hazards - Mass Movement" section and Natural Hazards Map in the Craig Comprehensive Plan.)

C. WITHIN IDENTIFIED HABITAT AREAS

Proposed development and uses are subject to review under Section 18.06.002 C&I, Conditional Use Permits, Required Criteria For Approval- C. and Additional Criteria for Proposals in the Special Considerations Overlay - I. #2 Within Identified Habitat or Resource Areas.

SEE COMPREHENSIVE PLAN ZONING MAP FOR AREAS SUBJECT TO THIS OVERLAY. (For further reference see "Natural Features and Natural Resources" section and Habitats, Natural Resources, and Historic Sites Map in the Craig Comprehensive Plan.)

D. WITHIN DESIGNATED HISTORIC AREAS

Proposed uses other than original traditional uses are subject to review under Section 18.06.002 C&I,

Conditional Use Permits, Required Criteria for Approval - C. and Additional Criteria for Proposals in the Special Considerations Overlay - I # 3 Within Identified Historic Areas.

SEE CRAIG COMPREHENSIVE PLAN ZONING MAP FOR AREAS SUBJECT TO THIS OVERLAY.
(See "History and the Planning Process" and the Habitats, Natural Resources, and Historic Sites Map in the Craig Comprehensive Plan.)

E. ON THE HILLSIDE ABOVE CRAIG

(Portions of Sections 4, 5, 8, and 9 T. 74 R. 81 extending from contour lines as indicated on the City topographical map up the hillside to the easterly city limits line which extends through the center of Sections 4, 9, and 16). This area includes the City Watershed which is described as:

An area of approximately 160 acres lying in the north half of Sections 8 and 9 T. 74 S. R. 81 E. within the city limits of Craig, Alaska more particularly described as an area located on the west face of Sunnahae Mountain from the City impoundment dam at an elevation of approximately 60 feet to an elevation of approximately 2200 feet between the adjacent streams on each side of the impoundment dam including all surface and subsurface drainage which enters the area.

All uses are conditional uses which may be approved if the findings of CHAPTER 18.06.002, Conditional Use permits, Sections C (Required Criteria for Approval), H, (Additional Criteria for Conditional Uses in the Reconveyance Reserve Zones), and I (Additional Criteria for Approval of Proposals in the Special Considerations Overlay) #4 On the Hillside Above Craig

The Procedures of CHAPTER 18.06.002, Conditional Use Permits shall be followed.

SEE CRAIG COMPREHENSIVE PLAN ZONING MAP FOR AREAS SUBJECT TO THIS OVERLAY.

F. SHORELINE SETBACKS

The shoreline setback around Crab Bay extending from the natural stand of timber above the high tide line landward for 100 feet is established. Access through this buffer may be allowed if the findings of Section 18.06.002 Conditional Use Permits - I. Additional Criteria for Conditional Use Permits in the Special Considerations

SECTION 18.05.030 LIMITED MARINE INDUSTRIAL OVERLAY

The purpose of this overlay is to insure that marine industrial uses will be as compatible as possible with residential uses in the vicinity.

A. PERMITTED USES

Uses permitted in the Marine Industrial Zone shall be allowed; however, before a marine industrial use is established, a public hearing shall be held to determine which conditions of approval, if any, will be placed on the proposed use.

B. CONDITIONAL USES

Same as the Marine Industrial Zone

C. TEMPORARY USES See Section 18.06.005 Temporary Use Permit

D. ATTACHMENT OF CONDITIONS

1. Setbacks in excess of those required by the Code
2. Vegetative buffers or other screens
3. Street, road, or alley dedication to improve access
4. Regulation of access location
5. Requirements for landscaping and/or maintenance
6. Regulation of time for certain activities
7. Regulation of building location and design
8. Regulation of the type of traffic generated
9. Other stipulations which make the use more compatible with the neighborhood without making the marine industrial use infeasible.

E. PROHIBITED USES - Same as Marine Industrial Zone

F. PROPERTY DEVELOPMENT STANDARDS - Same as Marine Industrial Zone

G. VISIBILITY AT INTERSECTIONS - Same as Marine Industrial Zone

H. FENCES, HEDGES, AND WALLS - Same as Marine Industrial Zone

EXAMPLE 23

OVERLAY DISTRICTS

City of Cordova Coastal Zone Overlay

This ordinance, adopted by the City of Cordova, implements a coastal zone overlay district. Development in all areas within the coastal zone overlay is required to conform to the district's CMP. The ordinance is an amendment to the city's zoning regulations and administrative procedures. Some special aspects of how Cordova uses the coastal zone overlay are:

- The coastal zone district is divided into several management districts: Preservation, Conservation, Development I, and Development II.
- A list of uses indicates what activities are permitted in each zone.
- Unlisted uses must meet a test for compliance with four coastal management policies.
- The Planning Director reviews permitted uses. The Planning Commission reviews uses that require stipulations. Their review criteria are specifically delineated.
- The policies form the guidelines for submitting plans of proposed uses and activities.

ORDINANCE 530

AN ORDINANCE OF THE CITY OF CORDOVA, ALASKA ADOPTING THE CORDOVA COASTAL MANAGEMENT PROGRAM - AN AMENDMENT TO TITLE 18 ZONING AND TITLE 3 ADMINISTRATION

PREAMBLE

This ordinance enacting the Cordova Coastal Management Program is for the purpose of managing, restoring, and enhancing the overall quality of the coastal environment and providing for the development of industrial and commercial enterprises, and recreational opportunities which are consistent with the social, cultural, historic, economic, and environmental interests of the citizens of Cordova and the people of the state.

WHEREAS, the Alaska Coastal Management Act of 1977 requires Cordova to develop and adopt a district coastal management program in accordance with established guidelines and standards; and

WHEREAS, the City Council deems it necessary, for the purpose of ensuring the availability of certain coastal areas for expansion of economic and other essential activities of the City and protecting valuable coastal resources, to enact a Coastal Management Program pertaining to certain land and water areas, and

WHEREAS, the State of Alaska has adopted a Coastal Management Program for the Community; and

WHEREAS, the City has adopted this same Coastal Management Program as an element of the Comprehensive Plan; and

WHEREAS, the Coastal Management regulations contained herein are in conformance with the Comprehensive Plan, including the Coastal Management Element and said regulations will aid in protecting valuable coastal resources and reserving economic opportunities:

NOW THEREFORE BE IT ORDAINED by the Council of the City of Cordova, Alaska that Title 18 Zoning and Title 3 Administration Be amended as follows:

Chapter 18.12

Add a new Section 18.12.070 Coastal Zone District and Management Classification:

A. Coastal Zone Overlay

A Coastal Zone overlay to the Official Zoning Map is hereby authorized. Areas incorporated within this Coastal Zone are required to conform to the Coastal Management Program including the list of proper and improper uses and activities and related policies.

B. Management Districts

Districts shall be designated within the Coastal Zone. Different uses and activities shall be prescribed as proper or improper within each management district. Management Districts shall be divided into the following classifications: Preservation, Conservation, Development I and Development II.

C. Boundaries

The boundaries of the Coastal Zone and the Management Districts shall be shown on the Zoning Map of the City of Cordova, a certified copy of which is on file in the office of the City Clerk, and which, with all explanatory matter thereon is hereby made a part of this ordinance.

Chapter 3.40

Add a new subsection 3.40.090 B.3.e.

e. To develop, adopt, alter, or revise, subject to approval by City Council, a Coastal Management Element to the Comprehensive Plan for the community; said Coastal Management element shall be prepared in conformance with applicable state and federal law. To accomplish these objectives, the commission is hereby empowered to:

(1). Prescribe and recommend an area to be designated the Cordova Coastal Zone into management districts of such number, shape, and area as may be deemed best suited to carry out the purposes hereof; and within each management district to prescribe proper and improper water and land uses and activities and policies which shall apply.

(2). To hear and decide upon those applications which involve uses or activities that are permissible only upon a showing of certain specified conditions; said conditions being a part of this ordinance. When such decisions are to be heard they shall be conducted in a manner as that prescribed in Chapter 18.60.

(3). Provide for a manner in which the requirements of the Coastal Management Program may be amended including revisions to the size and areal extent of the coastal zone and extent and classification of the management districts, and the determination of proper and improper uses and policies pertaining thereto; provided such modifications shall be subject to approval by the City Council and the State of Alaska.

(4). To hear and decide upon appeals pertaining to decisions by the Planning Director regarding the Coastal Management Program. Such appeals shall be conducted in the manner set forth in Chapter 18.64.

Chapter 18.68

Add a new subsection 18.68.020 E.

E. The Board of Adjustment shall hear and decide upon appeals pertaining to decisions by the Planning Commission regarding the Coastal Management Program. Such appeals shall be conducted in the manner set for in Section 18.68.030.

Chapter 18.50

Add a new Chapter 18.50 PERMITTED USES AND ACTIVITIES IN THE CORDOVA COASTAL ZONE.

A. REQUIREMENTS FOR APPROVAL

Lands and waters identified to be within the Coastal Zone shall be subject to the requirements and policies of this section. The table in subsection B identifies those uses and activities which are proper or improper for each management classification.

B. PERMITTED USES AND ACTIVITIES IN THE CORDOVA COASTAL ZONE

Use	Preservation	Conservation	Development I	Development II
<u>Business & Commercial</u>				
Offices	x	x	B	B
Retail Shops	x	x	B	x
Restaurant	x	x	C	x
Hotel, Motel	x	x	C	x
Visitor Center	x	C	C	C
<u>Marine Services</u>				
Marine Sales	X	X	A	C
Open Wet Moorage	x	x	A	C
Covered Wet Moorage	X	X	A	C

Stacked Moorage	x	x	A	C
Launching Ramps	x	C	A	C
Haulout Facilities	x	x	A	C
Marine Construction Repair & Dismantling	x	x	A	C
Marine Service Facility	x	x	A	C
Private Yacht or Boat Clubs	x	x	C	C
<u>Activities</u>				
Clearing/grading	x	C	A	C
Timber Harvest	x	C	C	C
Dredging/disposal	x	C	C	C
Aquaculture/fisheries	x	C	A	C
Mining	x	C	C	C
Recreation (based on marine involvement)	C	A	A	A
Nonmarine-Related Recreation	x	C	A	C
Hunting	x	A	x	x
<u>Structures</u>				
Landfill	x	C	A	C
<u>Piers/Docks</u>				
Piling	x	C	A	C
Floats	x	C	A	C
Marine-Residential	x	x	B	B/C
Marine-related Recreational	x	A	A	A
Nonmarine-related Recreational	x	C	A	C
Commercial/Industrial	x	x	A	C
<u>Shore Defense Works</u>				
Groins	x	C	A	C
Breakwaters	x	C	A	C
Bulkheads & Shoreline Protective Structures	x	A	A	A
<u>Offshore Facilities</u>	x	C	A	C
Business Signs on <u>Premises</u>	x	x	A	C
Marine Education	x	C	A	C
<u>Transportation Facilities</u>				
Accessory Parking	x	C	A	C
Principal Use Parking	x	x	x	x
Cargo Terminal	x	x	A	C
Passenger & Auto Ferry Terminal	x	x	A	C
Highways & Arterials, Local Streets	x	C	A	C
Bicycle & Pedestrian Ways	x	A	A	A
Scenic Roads & Auto- Oriented Viewpoints	x	A	A	A

Land-based Aircraft Facilities	x	x	x	x
Water-based Aircraft Facilities	x	x	B	B/C
Trails-Nonvehicular	A	A	A	A
<u>Utilities</u>				
Overhead & underground	x	C	A	C
Underwater	x	C	A	C
Intakes & Outfalls	x	C	A	C
Sanitary & Storm sewers	x	C	A	C
Fossil Fuel Power Generation Facility	x	x	x	x

KEY TO SYMBOLS OF TABLE:

X = Use is not permitted.

A = Use is permitted.

*B = Use is permitted as an accessory use only.

**C = Use is permitted, if the following conditions are satisfied:

- 1) demand conditions exist to justify growth in a particular area and can be documented by the proposed developer.
- 2) no other reasonable alternative areas exist already zoned and with conditions to support such development (deep water, etc).
- 3) proven efforts are made to eliminate dangers to people and property and to minimize environmental damage and protect resources to the greatest extent possible.
- 4) the developer demonstrates he has sound financing, backing and a rational development program and plan, and will enter into a performance contract.

* A use which occurs in conjunction with the generally permitted use. It is normally incidental and less in scale than the general use (e.g. a retail shop would be an accessory use within a hotel).

**Requires review by Planning Commission at a public hearing to establish if conditions are satisfied.

Criteria for Unlisted Uses or Activities

Where specific uses or activities are not shown in the Table, or where no policy exists, the following test should be applied in making the determination.

Test for Permissible Use or Activity

(Requires compliance with either #1 or #2 and always with #3 & #4)

- #1 - The use or activity can only be carried out on, in, or adjacent to a water body because the use requires access to that water body.
- #2 - The use or activity, while not directly dependent upon access to a water body, provides goods, services, support or protection that are directly associated with a water-dependent use or activity and which if not located on, in or adjacent to water, would result in a direct Public loss in quality of the goods, services, support or protection offered or use or activity undertaken.
- #3 - There is no possible alternative to the proposed use or activity which would accomplish the same goals but at less impact on the coastal resources of the City.
- #4 - The proposed use or activity is consistent with the intent and purpose of the underlying zoning and coastal management classification.

C. DELEGATION OF REVIEW AUTHORITY

Uses and activities that are allowed outright, without special review, shall be authorized by the Planning Director. Uses and activities identified to be permitted on the basis that certain conditions are satisfied shall be subject to a review by the Planning Commission. In such cases, the Planning Commission shall consider the proposed use or activity and make their decision in a public hearing. In all cases, the person or body making a determination shall consider the policies found in subsection D of this section before rendering a decision.

D. POLICIES

The following policies shall govern land and water uses and activities and shoreline structures in the Cordova Coastal Zone. All applicable policies shall be adhered to by each activity or use.

1. General

The City of Cordova has delineated certain policies pertaining to activities and uses within the Coastal Zone. These policies are to be used as a guide in preparing plans for conducting activities or developing uses within the Coastal Zone. When an application for a building permit is reviewed by the City staff or Planning Commission, these policies would be used to determine the acceptability of the proposal.

Following are the policies incorporated into the Coastal Management Program. There are two categories: (1) general policies, applicable to all activities and uses, and (2) water-based policies applicable to uses or activities located in or over the water. Within each policy group, there may be individual policies which would not be applicable. For instance, a policy pertaining to dredging would not apply to a floating breakwater.

Each of the following policies is to be preceded by the phrase "where feasible and prudent." Feasible and prudent means consistent with sound engineering practice and not resulting in economic, social or environmental problems that outweigh the public benefit to be derived from strict compliance with the policy.

II POLICIES GENERALLY APPLICABLE

Where Feasible and Prudent:

1. New development, when compatible, shall be located near existing development, before committing undeveloped shorelines areas to development.
2. Priority shall be given to water-dependent and water-related uses over other uses. Uses which are neither water-related nor water-dependent shall be permitted only where no alternatives are available.
3. Multiple use of the shoreline shall be encouraged where new uses or activities do not interfere with or inhibit existing uses or activities. Uses or activities which will interfere with the fishing industry shall be located in geographically separate sites.
4. Development and activities allowed shall not significantly degrade the quality of the natural environment, including water quality and air quality, nor contribute to erosion or other deleterious effects on adjacent environments.
5. Recreational and visual access to coastal areas shall be provided where consistent with public safety and private property rights

6. Only those uses which require an over-water location shall be permitted to locate seaward of this mean high water line or the natural wetland boundary.
7. New development shall be required to locate in areas already provided with requisite public services and facilities and adequate land.
8. Development in the coastal zone shall be located and designed so facility users and watercraft are adequately protected from floods, extreme high tides, and/or destructive storms without provision of massive defense structures.
9. Clearing and grading operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time during construction. Erosion control measures where required, shall be undertaken from the time of beginning of clearing, and vegetation shall be restored or control measures instituted at the earliest possible date. All clearing and grading near to or involving flowing water courses shall be conducted in such a fashion so as to minimize material entering the flow of water.
10. Maintenance and enhancement of fisheries shall be given priority consideration in reviewing shoreline use proposals which might adversely impact fisheries habitat, migratory routes and harvest of significant fish or shellfish species. Alternate designs shall be seriously considered for such proposals if such potential adverse impacts are significant. Shorelines having banks, beaches, and beds critical to the fisheries resource base shall be maintained in a productive natural condition whenever possible.
11. Implementation of governmental services and facilities for public purpose shall be in conformance with applicable plans, policies, and programs of the City of Cordova.
12. Approval to carry on activities or uses in the Cordova Coastal Zone shall be contingent upon conformance with all applicable federal and state regulations.
13. Subsistence use of resources, where a predominant activity within the publicly-owned areas of the coastal zone, shall be considered equally with other uses in determining use allocations.

III. POLICIES APPLICABLE TO WATER-BASED USES

Where Feasible and Prudent:

1. Only those uses or activities which require an in-water or over-water location shall be permitted to locate seaward of the mean high water line or the natural wetland boundary.
2. Developments in or over the water, such as piers, docks, and protective structures shall be located, designed, and maintained in a manner which prevents adverse impacts upon water quality, fish, wildlife, and vegetative resources.
3. Larger works, such as bulkheads, breakwaters, or silt dams shall be located, designed, and maintained so that natural water circulation patterns and essential geo-hydraulic processes of accretion, transport, and erosion are not interrupted.
4. Open pile or pier support structures shall be used where possible in lieu of filled areas for piers or docks which project into the water.
5. Dredging shall be permitted only where it is essential to the activity or use proposed. Areas which will require frequent periodic maintenance dredging are less preferred than self maintaining channels or basins.
6. Dredging for the sole purpose of obtaining materials for landfill or construction shall not be permitted.

7. Dredging shall not be permitted where valuable wetlands, estuaries, tide flats, or other scarce or valuable natural areas, would suffer significant harm.
8. Disposal of dredge material shall be conducted in upland areas; except that dredge spoil may be utilized in shoreside landfills if permitted under applicable regulations for the purpose of creating usable waterfront land.
9. Dredging or pile driving activities shall be conducted in a manner that minimizes pollution to marine water; the use of containment devices shall be encouraged. Dredging or pile driving activities will be timed so that they do not interfere with migrating aquatic life.
10. Approval to carry on activities or uses in or over the water shall be contingent upon conformance with all applicable federal and state regulations.

Chapter 18.60

Add a new subsection 18.60.020

18.60.020 COASTAL MANAGEMENT

1. An application for conditional use shall be filed in writing and verified by the owner of the property concerned.
 - a. The application shall contain the following data with respect to the property and the applicant.
 - (1) A legal description of the property involved.
 - (2) Plot plans showing the location of all existing and proposed buildings or alterations, elevations or such other data as may be required.
 - (3) A proposed time frame for the project start-up and the period of construction.
 - b. The application shall contain a statement and adequate evidence showing that the project use or activity will be in compliance with all applicable policies and the conditions established for the type of conditional use proposed.
2. The Planning Commission shall hold a public hearing upon each properly submitted application. Such hearing shall be held not less than 10 days nor later than 30 days following the date of filing of such application and the applicant shall be notified of the date of such hearing. The Commission shall cause to be sent to each owner of property within a distance of 300 feet of the exterior boundary of the lot or parcel of land described in such application notice of the time and place of hearing, a description of the property involved and the provisions of Chapter 18.50. For the purposes of this section, "property owner" shall mean that owner shown upon the latest tax assessment roll.
3. From the time of filing such application until the time of such hearing, the application, together with all plans and data submitted shall be available for public inspection in the office of the City Clerk.
4. The Commission shall cause to be made by its own members, or its authorized agent, an investigation of facts bearing on any application sufficient to assure that the action taken is consistent with the intent and purpose of this ordinance.
5. The Planning Commission shall hear and consider evidence and facts from any person at any public hearing or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such public hearing.

6. Within 30 days from the conclusion of the public hearing, the Planning Commission shall render its decision unless such time limit be extended by common consent and agreement signed by both applicant and the Commission. If, in the opinion of the Commission, the necessary facts and conditions set forth in Chapter 18.50 apply in fact to the property referred to, and that the same comes within the purview of the Planning Commission, it may grant permission for the use or activity. If, however, such facts and conditions do not prevail nor apply, the Commission shall deny the application.

7. The Commission, in granting approval, may establish conditions under which a lot or parcel of land may be used or a building constructed or altered; make requirements as to architecture, height of building, or structure open spaces or parking areas; require conditions of operation of any enterprise; or may make any other conditions, requirements, or safeguards that it may consider necessary to prevent damage or prejudice or adjacent properties or detriment to the City. When necessary, the Commission may require guarantees in such form as deemed proper under the circumstances to ensure that the conditions designated will be complied with.

8. The decision of the Planning Commission, either for the granting, with or without conditions, or the denial of an application, shall become final and effective 10 days following such decision.

9. Any application approved by the Planning Commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of the approval. In the event some construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion, otherwise, the approval is automatically voided. In such cases, the Planning Commission may extend the time of construction start if satisfactory evidence of planning progress is presented.

10. In order to defray the expenses of making maps, sending out notices, and incidental administration costs involved in any application, the person filing such application shall pay to the City Clerk a fee of Twenty Dollars (\$20.00). One copy of the receipt for such fee shall be attached to the application. Regardless of the action taken on the application, the required fee shall not be returned.

Chapter 18.68

Add a new subsection 18.68.020 E.

E. COASTAL MANAGEMENT

The Board of Adjustment may, upon appeal from the Planning Commission, grant approval to a request for permission to conduct a use or activity in the Coastal Zone. Such appeals shall be decided upon after a review of the hearing record, and the requirements of this ordinance. Where it is determined that an error of any order has been made in a decision or determination in the enforcement of the Coastal Management Program, the Council shall be empowered to modify the decision in the manner that is in keeping with the requirements of this ordinance.

First Reading:

Second Reading:

PASSED AND APPROVED THIS ____ DAY OF ____ 1981.

Mayor

City Clerk

EXAMPLE 24

CONDITIONAL USE PERMITS

**Kodiak Island Borough
Brochure**

The Kodiak Island Borough published a brochure to explain to residents the review procedures for conditional use permits and how they can participate.

CONDITIONAL USE

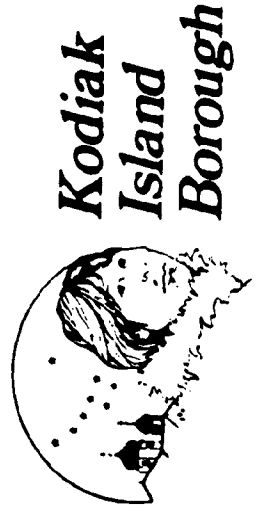
3. For More Information

For more information on conditional use criteria and approval, refer to section 17.30.020 of the Kodiak Island Borough Zoning Ordinance. Additional assistance can be provided by:

**Community Development Department
Kodiak Island Borough
710 Mill Bay Road, Room 204
P.O. Box 1246
Kodiak, Alaska 99615
(907) 486-5736**

**Community Development Department
Kodiak Island Borough
710 Mill Bay Rd., Room 204
P.O. Box 1246
Kodiak, Alaska 99615**

To:



CONDITIONAL USE

1. Purpose

Conditional uses are activities and the structures associated with these activities that are subject to approval within zoning districts. The conditional use procedure provides flexibility by allowing certain uses within zoning districts as long as safeguards are applied to ensure compatibility with the principal uses of the district. Conditional uses must be approved by the Planning and Zoning Commission prior to obtaining a Building Permit.

2. Procedure

An application requesting a Conditional Use can be obtained from the Community Development Department. Once completed, it should be submitted to the Department. The review and approval procedure is outlined below:

- ☐ Applications will be reviewed for completeness within 3 working days of receipt; incomplete applications will be returned with a list of deficiencies.
- ☐ A Public Hearing must be held by the Planning and Zoning Commission prior to approval. All hearings will be preceded by appropriate public notice. The Commission will review the request based on conditions established and specified in Chapter 17.30.020 of the Zoning Ordinance.
- ☐ Within 45 days of acceptance of a complete application, the Planning and Zoning Commission will take action to approve or disapprove the request. An application can be tabled with the consent of the applicant. The Commission has the right to impose conditions on approval of the application.
- ☐ Applications that are substantially the same as a proposal previously rejected within the last 6 months will not be considered.

EXAMPLE 25

SITE PLAN REVIEW

Municipality of Anchorage Ordinances

The Municipality of Anchorage Planning and Zoning Commission reviews the site plans of all publicly funded local projects. The purposes of the review are to:

- ensure the proposed site and development are in keeping with an adopted municipal land use plan and the applicable land use regulations;
- allow the public to be involved in the site selection and design; and
- mitigate the effects of the proposal on the area surrounding the site.

21.15.015 PUBLIC FACILITY SITE REVIEW.

- A. The Planning and Zoning Commission shall review and make recommendations regarding the following under this Section:
1. The selection of a site for a public facility, except where the location of the site is:
 - a. Designated on a Municipal plan adopted by the Assembly; or
 - b. Determined by a dedication to the Municipality on a final plat approved and recorded in accordance with this Title; or
 - c. Subject to approval of a conditional use under this Title.
 2. The site plan for a public facility, except for site plans subject to approval of a conditional use under this Title.
- B. The agency proposing a site selection or site plan shall submit to the Commission all information necessary to its review under this Section. This information shall include, but need not be limited to, an evaluation of alternative sites, or an explanation why no alternative sites were considered.
- C. Public hearing.
1. The Commission shall hold a public hearing on any site selection that is subject to review under this Section.
 2. The Commission may, in its discretion, hold a public hearing on any site plan subject to review under this Section.
- Notice of public hearing shall be given in the manner prescribed for a public hearing on a conditional use application.
- D. The Commission shall review and make recommendations under:
1. Subsection A.1 before the acquisition of a site for the public facility may be authorized or before the publicly owned land is designated as the site for the public facility;
 2. Subsection A.2 before the final commitment to the design of a public facility may be made, and before any contract to construct or acquire the public facility's improvements may be awarded.
- Upon application of the agency proposing the site, the Commission may consolidate its review under Subsections A.1 and A.2.
- E. The Commission shall review a proposed site selection or site plan for consistency with the goals, policies and land use designations of the Comprehensive Development Plan and other Municipal plans adopted by the Assembly, conformity to the requirements of this Title and the effects of the proposal on the area surrounding the site.
- F. No agency may proceed with a site selection or site plan that does not conform to the Commission's recommendations under this Section, unless the agency furnishes the Commission a written statement of the reasons for its decision to proceed at least 30 days before implementing that decision.
- G. The Planning and Zoning Commission may promulgate regulations under Chapter 3.40 that delegate all or part of its authority under this section to the Director of Community Planning or to other municipal boards and commissions. (AO 85-160).
- H. Definitions. As used in this Section, "public facility" means of the following owned, or leased for no less than 10 years, by a government agency not exempt by law from Municipal land use regulation: any building in which government operations or activities occupy more than 4,000 square feet; any dedicated park exceeding one and one-half acres in area; any street of collector or greater capacity; and any snow disposal site. (Note: AMC 21.15.015 shall not apply to any facility site selection or site plan: (1) reviewed by the Commission or approved by the Assembly before the effective date of this Section; or (2) under which there have been substantial expenditures for design or construction before the effective date of this Section. AO 84-20, am 85-160 (effective January 8, 1986)).

EXAMPLE 26

SUBDIVISION ORDINANCE

Kodiak Island Borough Brochure

The Kodiak Island Borough distributes this short brochure to residents interested in submitting applications and plats for a subdivision. It details:

- what plats are;
- requirements for applications and plat submittals;
- the process for review and approval; and
- where to get more information.

4. For More Information

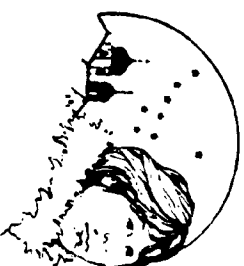
For more information on rezoning criteria and approval, refer to section 16.40 of the Kodiak Island Borough Subdivision Ordinance. Additional assistance can be provided by:

**Community Development Department
Kodiak Island Borough
710 Mill Bay Road, Room 204
P.O. Box 1246
Kodiak, Alaska 99615
(907) 486-5736**

**Community Development Department
Kodiak Island Borough**
710 Mill Bay Rd., Room 204
P.O. Box 1246
Kodiak, Alaska 99615

To:

PRELIMINARY PLAT AND APPROVAL PROCESS



**Kodiak
Island
Borough**

PRELIMINARY PLAT AND APPROVAL PROCESS

1. Why Are Plats Required

A plat is a map or chart of a surveyed subdivision of land. Plats serve several purposes. They are a legal record of land division and of dimensions of a parcel of land. Plat review provides for some minimum standards of survey accuracy. During their review, plats provide a means of ensuring that subdivision results in adequate access, roads, sewer and water, and other utilities for the zoning district in which they are located.

2. Submittal Requirements

A Preliminary Plat is required for all subdivision of land, including subdivision action eligible for the Abbreviated Plat process. In general, the following information is required:

- ☐ A legible sketch of 1 inch equals 100 feet showing the location, size, and configuration of each parcel to be created; existing and planned roads, utilities, and structures; and other improvements. A U.S.G.S. map of one inch to a mile will also be submitted.

3. Review and Approval Process

- ☐ All plans, data, and reports required by the Alaska Department of Environmental Conservation
- ☐ A professionally prepared soils report
- ☐ Copies of any proposed protective covenants, deed restrictions, and/or bylaws affecting the proposed subdivision.
- ☐ The subdivision shall confer with the Community Development Department and Borough Engineer before submitting a preliminary subdivision plat.
- ☐ The Borough Engineer will review the submitted Preliminary Plats for completeness. If the plat is not acceptable, the subdivider and surveyor will be notified in writing stating the additional information required. If such information is not submitted within 10 working days the plat will be returned due to non-compliance with the Subdivision Ordinance.
- ☐ The Planning and Zoning commission shall take action on the plat within 60 days of acceptance, and adopt specific findings as to approval or disapproval of the plat. The subdivider will be notified in writing of the action and findings within five working days.
- ☐ The approval of the preliminary plat shall be effective for 18 months from the date of approval. After this time, the preliminary plat shall become null and void unless the commission grants an extension prior to expiration of the plat.
- ☐ Following approval by the Borough Engineer, the plat must meet the Final Plat requirements outlined in Section 16.50 of the Subdivision Ordinance.
- ☐ A preliminary plat that is substantially the same as a plat previously denied within the last 6 months will not be accepted for hearing.

EXAMPLE 27

SUBDIVISION ORDINANCE

Municipality of Anchorage Platting Actions Affecting Wetlands

The Municipality of Anchorage's subdivision regulations strongly enforce the Anchorage Wetland's Management Plan (AWMP). The AWMP classifies wetlands into three types: preservation, conservation, and developable. These ordinances specify that:

- Preservation wetlands shall be acquired by the Municipality or developed only after the developer acquires a COE Section 404 permit.
- Subdivision development in a conservation wetlands shall be approved only after the reviewing body makes specific findings.
- Mitigation techniques shall be incorporated into any development affecting developable wetlands.

21.05.090 IMPLEMENTATION--EAGLE RIVER-CHUGIAK-EKLUTNA COMPREHENSIVE PLAN.

Zoning map amendments, conditional uses and subdivisions shall conform to the Land Use and Residential Intensity Classification Maps of the Eagle River-Chugiak-Eklutna Comprehensive Plan, except where the approving authority finds that the application meets the standards of subsections 21.05.080 C, D and E. (AO 79-136, am AO 85-23, AO 85-165).

21.05.100 IMPLEMENTATION--TURNAGAIN ARM COMPREHENSIVE PLAN.

Zoning map amendments, conditional uses and subdivisions shall conform to the land use maps of the Turnagain Arm Comprehensive Plan, except as provided in Section 21.40.117. (AO 79-208, am AO 82-162, AO 85-16, AO 85-165).

21.05.110 IMPLEMENTATION--TRANSITION (T) DISTRICT.

The Transition (T) District which encompasses parts of the Anchorage bowl and Eagle River-Chugiak-Eklutna areas is inadequate to serve the increased pressure for development within these areas. Interim development of these areas shall proceed in accordance with the land use and residential classification maps of the area's comprehensive plan. The standards of 21.05.080 shall be followed for all subdivision plats, conditional uses, or rezoning actions. Initial areawide zoning shall be based upon the Comprehensive Development Plan including but not limited to the plan maps. (AO 85-165).

21.05.115 IMPLEMENTATION--ANCHORAGE WETLANDS MANAGEMENT PLAN.

A. The following municipal programs and activities shall be undertaken in conformity with the Anchorage Wetlands Management Plan:

1. Municipal capital facility programming as expressed in the Capital Improvement Plan;
2. Municipal management and disposal of the state lands selected under AS 29.18.210-.213.

B. Municipal zoning and platting actions.

1. Municipal zoning and platting actions taken under this title shall be consistent with the Anchorage Wetlands Management Plan. It is the intent of the Municipality that wetlands designated "preservation" in Table 6-3 will be protected as indicated in that table and in Chapter 7 of the Anchorage Wetlands Management Plan.
2. The provisions of AMC 21.80.100-.110 may be applied to plats showing development of wetlands designated "preservation" under the plan where fee simple acquisition is required by the plan. If at the end of the 15-month period for acquisition provided by AMC 21.80.110, the "preservation" wetlands have not yet been acquired, by mutual agreement of the property owner and the Municipality, the reserve tract designation may be extended, in consideration of which agreement the Municipality shall pay an amount equal to the taxes accumulated on the property for the period of reservation. If the Municipality and the property owner do not agree on an extension of the reserve tract designation, the property owner shall obtain a Section 404 permit required by the Federal Clean Water Act of 1972, as amended, before submitting a plat for that property. In conducting the Section 404 review, the preservation standard found in Section 6.6 of the Wetlands Management Plan shall be applied.
3. Any development of a "preservation" wetland allowed by the platting authority after a developer has acquired a Section 404 permit shall be conditioned on use of the recommended construction mitigation techniques to the maximum extent practicable.
4. In order to maximize protection of wetlands designated "conservation," in addition to the criteria normally considered in subdivision and conditional use applications, the Platting Authority or the Planning and Zoning Commission must, prior to approval, make explicit findings that:
 - a. the proposed design and placement of roadways, utility lines and structures will not interfere with the natural drainage function indicated in the required hydrologic studies or that such interference can be adequately mitigated to maintain the natural drainage function;
 - b. the soils in the area proposed for development will adequately support roadways and structures, or that properly designed roads and foundations will be provided;
 - c. habitat areas identified in the required habitat studies will be adequately protected.

Maintenance of open space in its natural state shall be required where the Platting Authority or the Planning and Zoning Commission determines that such is necessary to protect the hydrologic and habitat values of wetlands on the property being developed or on adjacent property. Areas where open space is to be preserved in its natural state shall be indicated on the plat or approved site plan. The Platting Authority and Planning and Zoning Commission may require such land development techniques and such additional conditions as may be appropriate to carry out the intent of the wetlands plan taking into consideration information required by AMC 21.15.110C or 21.15.030C.3 and such other wetlands studies as may be relevant.

5. Whenever practicable, the Platting Authority or the Planning and Zoning Commission shall include the recommended construction mitigation techniques when approving plats or conditional use permits in wetlands designated "developable" under the plan.

C. Application of plan to approved projects.

1. Conditional uses and preliminary plats approved prior to April 20, 1982, the date of adoption of the Anchorage Wetlands Management Plan, shall not have additional conditions imposed upon them as a result of the requirements of the Plan except as follows:
 - a. the "preservation" designation shall apply regardless of prior approvals;
 - b. approved plats or conditional uses in wetlands which are returned to the platting authority or Planning and Zoning Commission for major amendment may be examined for conformity with plan goals and policies. (AO 82-33(S), AO 85-165).

21.05.120 IMPLEMENTATION--HILLSIDE WASTEWATER MANAGEMENT PLAN.

The Hillside Wastewater Management Plan recommends extension of the public sewer system to the areas shown on sheets 1 and 2 of Map 9 of the plan. Extension of the public sewer system into these areas will make possible higher density development than is allowed by the present zoning. To protect neighboring lower density developments existing as of the date of adoption of the Hillside Wastewater Management Plan, any rezoning of property within the sewerage area shown on Map 9 from lower to higher density shall be allowed only with special limitations which address the issues of buffering, internal circulation, drainage and protection of vegetation as required under Section 21.45.200. (AO 82-52, am AO 85-20, AO 85-167, AO 85-168, AO 85-165).

21.05.130 IMPLEMENTATION--COASTAL ZONE MANAGEMENT PLAN.

The following elements of the Anchorage Coastal Zone Management Plan, dated July, 1979, are adopted as elements

1. Material on page 28 entitled "Anchorage Coastal Zone Management Boundary."
2. Section entitled "Areas Meriting Special Attention" (pages 29-39).
3. Section entitled "Coastal Management Policies and Goals" (pages 41-51), with the exception that the recommended policies under the heading "Selected Freshwater Marshes, Wetlands and Coastal Marshes" (page 46) shall read:
 - "6. Planning, programming, and construction activities of the Municipality shall recognize and consider the natural functions and values as delineated in the Anchorage Wetlands Management Plan.
 7. In wetlands identified for development, appropriate mitigation techniques, as specified in the Anchorage Wetlands Management Plan, shall be used to the maximum extent practicable.
 8. All public works activities such as transportation projects, utilities, sewers and drainage activities shall avoid or minimize any identified adverse impacts upon freshwater marshes and wetlands to the maximum extent practicable.
 9. Natural functions and values identified for freshwater marshes and wetlands in the Anchorage Wetlands Management plan shall be protected as indicated therein."
4. Section entitled "Recommendations" (pages 55-57).

EXAMPLE 28

LAND USE PERMIT

Matanuska-Susitna Borough

The CMP in the Matanuska-Susitna Borough is an important document, because many of the areas it affects are not governed by zoning and other land use regulations. This permit ties in the Borough's Coastal Management Program policies as one set of the review criteria for new Borough construction. The information provided by the applicant helps the reviewer determine whether the proposed project follows the CMP policies affecting:

- setbacks from rivers and lakes; and
- presence of sewage disposal.

The reviewer can place conditions on the proposed use which will help bring the project into conformance with the CMP or mitigate potentially adverse impacts.

APPLICATION FOR LAND USE PERMIT
MATANUSKA-SUSITNA BOROUGH
P. O. BOX 1608, PALMER, AK 99645 (907) 745-9845

Parcel ID # _____ Map # _____ File # _____
CMD ☐ Special Use Dist. ☐ _____ Flood Hazard Area ☐
Variance ☐ Conditional Use ☐ Exception ☐
Plot Plan Attached ☐ Special Applications Required Y ☐ N ☐ Attached ☐

Ownership

Name of Property Owner _____

Name of Permittee if different from owner _____

Address _____

Address _____

Phone _____

Phone _____

Project Location

Subdivision _____ Block _____ Lot _____

Meridian _____ Township _____ Range _____ Section _____

Aliquot Part _____

Street Address _____

Vicinity _____

Lot Size Total Square Footage of Lot _____.

Water Frontage

Does the property have water frontage Y ☐ N ☐ Name of Waterbody _____
What is distance between ordinary high water mark of water body and the structure at
the closest point? _____

Access This project will have access to what street or road. _____

Driveway permit required Y ☐ N ☐ Application Attached ☐

Will you be constructing a new driveway access to a street or road Y ☐ N ☐
For information call 945-9694.

Type of Project ☐ New Building ☐ Addition ☐ Alteration/Remodel ☐ Repair/Replacement ☐

Relocation ☐ Mobile Home Placement ☐ Number of Stories: _____

Basement/daylight basement ☐, and one ☐ two ☐ three ☐ Other _____

Total Square Footage of Building _____ Grading/Excavation ☐ Cubic Yds. _____

Type of Use

Residential ☐ Number of Dwelling Units _____ Private Storage/Garage ☐

Recreational ☐ Commercial ☐ Industrial ☐ Public/Quasi Institutional ☐

Project Description Example: Warehouse - 20,000; Office - 5,000, etc. or
living space 1,000; Garage 400 or fill 1,000 cubic yds.

PROPOSED USE	SQUARE FEET

Type of Sewage Disposal ☐ None ☐ Holding Tank ☐ Septic Tank ☐ Public/Community System ☐

Other (specify) _____ Existing ☐ Proposed ☐

DEC Certification N/A ☐ Attached ☐ (Call 376-5038 for information)

Type of Water Supply ☐ None ☐ Private well/cistern ☐ Public/Community System ☐

Existing ☐ Proposed ☐

DEC Certification N/A ☐ Attached ☐ (Call 376-5038 for information)

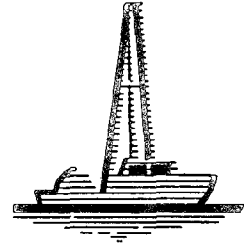
The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

Applicant Signature	Applicant's Printed Name	Date
---------------------	--------------------------	------

Permit Issued ☐ with conditions (see attached) ☐ Denied ☐

Action date _____ Reviewed by _____

B Administrative Office _____ Date _____



II — Local Participation in the State Consistency Review Process

CHAPTER II LOCAL PARTICIPATION IN THE STATE CONSISTENCY REVIEW PROCESS

The Consistency Review: We're In This Boat Together

This chapter focuses on a single implementation technique: the consistency review. As you know from Chapter I, coastal districts have many other choices for implementing their coastal management programs: planning; zoning; general permits; public participation; and other local methods. Consistency review is the one implementation method used by every approved district. It is also the one method that district coordinators have said is the most difficult because of the many players, unfamiliar regulations and new, and sometimes confusing, terms. But, all districts (and resource agencies) are in this boat together! That means that there are many examples to use as guidelines and many people who can quickly give you answers. Several consistency review checklists used by other coastal districts have already been included in Chapter I as examples.

WHAT IS A CONSISTENCY REVIEW?

The consistency review is an evaluation of any proposed activity which may affect your district's coastal resources. Your review ensures that the activity falls in line with your coastal management program's policies. The consistency review is mandatory for any development which may affect your district's coastal resources. For example, a mining project, a dock, or a seawall would necessitate a consistency review. Sometimes your district will review proposed projects that are located outside its boundaries because the projects might affect uses or resources inside the district boundaries (such as streams which pass through the district).

Several agencies will collaborate with your district to review proposed projects. State agencies that are responsible for protecting or managing the state's resources give their input and make recommendations. (These agencies that protect or manage resources are called "state resource agencies.") Your district reviews the project at the same time that state resource agencies are reviewing it. The State of Alaska Division of Governmental Coordination (or, in some cases, another state agency), coordinates all of this input into a single set of comments, called the state-coordinated consistency review.

STATE-COORDINATED CONSISTENCY REVIEW PROCESS

The state-coordinated consistency review process allows you to look at the following activities for consistency:

- private projects that need state and/or federal approvals;
- state agency actions (such as an Alaska Department of Transportation and Public Facilities (DOT) construction project);
- federal agency actions (such as a United States Forest Service (USFS) timber sale); and
- outer continental shelf (OCS) activities, other than the leases themselves.

Districts, the Division of Governmental Coordination (DGC), and resource agencies participate together in the state-coordinated consistency review.

Districts must also review all activities affecting their coastal zone which require only local approvals for consistency. State agencies will not be involved; this is your responsibility.

STANDARDS FOR THE REVIEW

Until the state approves a district's program, the state resource agencies use the standards of the Alaska Coastal Management Program (6 AAC 80) to review projects in the district. Once a district's program is approved, all reviewers determine a project's consistency with both the district program policies and the standards of the ACMP (except in rare instances when district policies actually replace or preempt an ACMP standard). It is important to note that all reviewers use the same coastal standards and policies. Resource agencies do not use their own agency regulations to make consistency determinations. Because the state and district interpretations of the coastal standards may differ, it is important to encourage communication between the district and the state resource agencies during the consistency review process.

WHY IS THE CONSISTENCY REVIEW SO IMPORTANT?

When your district actively participates in the consistency review of a project, you have the opportunity to encourage and manage development for the

benefit of your community and to prevent potentially harmful impacts to your coastal resources and uses. As part of your review, you can recommend to approve a project only under certain conditions in order to prevent or reduce damage to coastal resources and uses. The conditions you suggest might affect the timing, location, construction methods used, and other aspects of the project in order to reduce impacts. For example, suppose you are trying to protect nesting waterfowl from noise and traffic during construction of a shore cannery. You might stipulate that construction should not take place during June when the birds are under the greatest stress to hatch, and rear their young. To protect existing use of a nearby waterfront promontory for fishing, you might require that the cannery facility located adjacent include a public access easement to the promontory. To assure that the cannery does not inhibit future water-dependent development on the waterfront, you might specify that its non-water-dependent buildings and uses be located back from the water's edge, adjacent to other inland industrial uses. This would reserve some stretches of the waterfront exclusively for water-dependent uses. You might also recommend that the cannery be located adjacent to other existing fish processing facilities, rather than next to existing commercial or harbor activities.

GET TO KNOW THE CONSISTENCY REVIEW PROCESS: THREE QUICK ENCOUNTERS

Summary Chart

The rest of this chapter is divided into three sections. The first section is a summary chart describing each step of your participation in the consistency review process (Figure II-1). It is included here to show:

- an overview of the consistency review process;
- when certain steps occur;
- what your role is during each step;
- what written materials or examples may be of help during each step;
- who can answer questions and provide assistance during each step; and
- what steps other parties are taking at the same time.

Regulations and How to Deal With Them

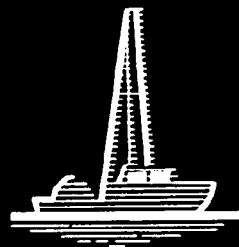
The second section is called Pertinent Regulations and Procedural Information. It discusses in detail the state consistency review process and the regulations from the State of Alaska Administrative Code (6 AAC 50) which guide the review. This section emphasizes the parts of the regulations which are particularly important as you participate in the consistency review process:

- who coordinates the reviews;
- review timeframes and deadlines;
- classifications of state agency approvals;
- the district role in the review process;
- how to prepare comments;
- due deference; and
- elevation procedures.

This section includes several sample documents to help you gather information or prepare formal comments for the consistency review. Each example has been inserted right after the regulation which details that particular point in the process.

How State and Federal Agencies Fit In

The third section of this chapter is called Role of State and Federal Agencies. It discusses how state and federal agencies are involved in the consistency review process. It also spells out the concerns of each of these agencies so you can better understand what they look for in a project as they participate in the consistency review process.



**The Process
in One Glance**

The Process in One Glance

FIGURE II-1 STEP-BY-STEP DESCRIPTION OF THE CONSISTENCY REVIEW PROCESS

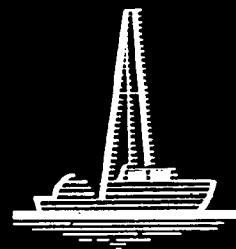
STEP	WHEN DOES THIS OCCUR? 30-DAY REVIEW 50-DAY REVIEW	WHAT AM I SUPPOSED TO DO?	WHAT WRITTEN MATERIALS OR EXAMPLES ARE THERE FOR MY USE?	WHO CAN HELP ME?	WHAT ELSE IS HAPPENING AT THE SAME TIME?
1. DGC or project applicant contacts you about project.		Provide information about your district coastal management program. Have applicant fill out Coastal Policy Questionnaire and discuss concerns. Direct applicant to contact DGC.	DGC Brochure: "How to Apply for State Permits in Alaska's Coastal Zone." Coastal Policy Questionnaire.	DGC, resource agencies, other district coordinators.	Applicant may be contacting DGC and other state agencies.
2. Applicant submits completed packet to coordinating agency. Coordinating agency distributes packet and schedules to you and to other agencies.	Day 1 - 2	Distribute packet to people, villages, or organizations in district who may be interested in the proposed project.		Coordinating agency, other district coordinators.	State resource agencies, federal resource agencies, and others interested are just starting their review.
3. Review period.	Day 3 - 17	Review project packet for consistency with your district program policies. Ask for more info, if necessary, from applicant or through coordinating agency. Inform coordinating agency and other agencies of your request. Begin writing comments. Get input from other people in your district.	Your district policies. Sample review checklists in Chap. 1.	DGC, coordinating agency, the applicant, state resource agencies, other district coordinators.	State resource agencies and others are determining whether they need additional information. They are also drafting their comments to be sent to coordinating agency.
4. Last day for you to request information from applicant.	Day 15	If you still need additional information, contact coordinating agency by this day.	Figure II-2	Coordinating agency, pertinent state resource agency.	State resource agencies and others interested may have also requested additional information.
5. Last day for you or others to request a public hearing.*	Day 17	Contact coordinating agency and request public hearing.		DGC or other coordinating agency.	State resource agencies and others reviewing packet are submitting comments.

6. Deadline for you to submit comments to coordinating agency.	Day 17	Day 34	Make written comments to coordinating agency based on district policies and/or ACMP standards. Give consideration to input received from the district. Suggest stipulations affecting project timing, construction techniques, location, mitigation, etc., as necessary. If comments will not reach coordinating agency by this day, send via PROFS, telecopy, or telephone. Written follow-up comments must reach coordinating agency within 5 days of your phone call.	Figures II-3, II-4, and II-5.	DGC, coordinating agency, other district coordinators.	State resource agencies and others submitting written comments to coordinating agency.
7. Coordinating agency develops proposed consistency determination on the project and notifies you, other reviewers, and applicant.	Day 24	Day 44	Review proposed consistency determination and how it compares with your comments. If it differs, discuss with coordinating agency.	Figure II-6.	DGC, coordinating agency, state resource agencies, other district coordinators.	State resource agencies, applicant, and others reviewing proposed consistency determination.
8. If you do not agree with coordinating agency's position, this is the last day for you to ask for elevation.	Day 29	Day 49	If you do not agree with preliminary consistency determination and could not reach compromise with coordinating agency, you may request elevation by end of this day. This will result in your objections to the proposed consistency determination being reviewed by the Directors and Commissioners of the resource agencies.	Figure II-7.	Coordinating agency, other districts.	State resource agencies and applicant are deciding whether to request elevation.
9. If a consensus is reached, DGC or the coordinating agency will send the final or "conclusive" consistency determination to the reviewers and applicant.	Day 30**	Day 50**	Review final consistency determination to make sure it incorporates your key points and the results of the consensus reached.	Figure II-8	Coordinating agency, other districts.	State resource agencies and applicant are reviewing final consistency determination.
10. If a consensus is not reached, elevation proceeds. If project is elevated, issues paper is sent to reviewers.	Day 30***	Day 50***	Review issues paper. Participate in meetings with the Directors and Commissioners of the resource agencies. Be sure your testimony refers to your district's position relative to its adopted policies.		Coordinating agency, other districts.	State resource agencies and applicant are participating in elevation meetings.

*Coordinating agency must decide within seven days whether to hold a public hearing. A hearing will be held only if necessary to address issues which cannot be otherwise adequately addressed during the review. The agency must give public notice 15-30 days prior to the hearing. It must also provide a summary of the hearing within five days after it is held. All reviewers and applicants have seven days after they receive the hearing summary to provide additional comments to the coordinating agency.

**Other permits required by the project are to be issued by the pertinent agencies within five days after they receive the consistency determination.

***Elevation can take up to 15 days at each level. If no consensus is reached during elevation to the Directors of the resource agencies, then the review is elevated to the Commissioners of the resource agencies for a decision.



**Pertinent Regulations
and
Procedural Information**

Pertinent Regulations and Procedural Information

The State of Alaska has regulations which describe how both state and federal consistency determinations are decided. These regulations, 6 AAC 50.010 through 6 AAC 50.190, are presented below, section by section. Following each section, an explanation highlights the most important points to remember. If the technical language of the regulations confuses you, skip ahead to the explanations for a condensed version and then backtrack to try reading the regulations. Stick with it. You won't need to "memorize" the regulations, but understanding them will help you to participate in the consistency review process and will also help you to implement your district's program.

PURPOSE OF REGULATIONS

6 AAC 50.010. PURPOSE OF REGULATIONS. The regulations in this chapter are intended to implement, interpret, and make specific

(1) the responsibility of the Office of Management and Budget (OMB) to implement the Alaska Coastal Management Program (ACMP) by rendering on behalf of the state

(A) all responses concurring in or objecting to a federal consistency certification or determination which is required or authorized by Sec. 307 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. §1456, (CZMA), and

(B) all conclusive consistency determinations for any project requiring two or more state agency or federal permits as required by AS 44.19.145(a)(11): and

(2) the responsibility of resource agencies to implement the ACMP by making conclusive consistency determinations for projects requiring the permit of a single state agency and no federal permit, and to expedite their permit review procedures, to the extent

permitted by law, by coordinating their own procedures with the consistency review of a project. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11)
AS 146.40.100(a)

Conducting Consistency Reviews:
Which Agencies are Responsible?

These regulations give the responsibility for conducting consistency reviews and determinations to DGC, as a division of the Governor's Office, and to the state resource agencies (the Departments of Natural Resources (DNR), Fish and Game (DFG), and Environmental Conservation (DEC)).

When is a Consistency Review Conducted?

Consistency reviews are conducted for development projects located:

- inside a coastal zone boundary; and
- outside of the coastal zone, but which may affect coastal resources and uses located inside the coastal zone.

Reviews Coordinated by DGC

DGC reviews development projects in the coastal zone if:

- a) the project requires permits from two or more state agencies; or
- b) the project requires a permit from a federal agency; or
- c) the project applicant is a federal agency.

For all federal projects, the Coastal Zone Management Act (CZMA) legislated that federal agencies must make their own determination of whether the

project is consistent with a state's coastal management program. In Alaska, DGC reviews the federal agencies' determinations on behalf of the state. DGC can either agree or object to the federal agencies' conclusions.

For non-federal projects requiring permits from two or more state agencies, DGC coordinates the review process and makes the final (conclusive) determination that the project is consistent with the ACMP.

State Resource Agencies Coordinate Some Reviews

If a non-federal project needs permits from only one state resource agency, that agency (not DGC), coordinates the ACMP consistency review process. When the agency assumes the coordinating task, the agency is called the "coordinating state resource agency." The resource agency will coordinate the consistency review using the same steps included in 6 AAC 50 and described in this manual.

FEDERAL CONSISTENCY DETERMINATIONS

6 AAC 50.020. FEDERAL CONSISTENCY DETERMINATIONS. The Division of Governmental Coordination (DGC) of the Office of Management and Budget will coordinate a consistency review and render a response concurring in or objecting to a federal consistency certification or determination which is required or authorized by Sec. 307 of the CZMA. DGC will coordinate the review in the manner provided in this chapter and will render a response in the time and manner prescribed in the CZMA or in the regulations implementing that Act. (Eff. 3/11/84, Reg. 89)

Authority: AS 44.19.145(a)(11).

DGC Coordinates Federal Consistency Reviews

Again, it is DGC's responsibility to coordinate the consistency review of a federal plan or project, or a federally sponsored, licensed, or permitted project. The manner and timeframe DGC uses to do this are laid out in 6 AAC 50 and in the CZMA.

STATE CONSISTENCY DETERMINATIONS

6 AAC 50.030. STATE PERMIT CONSISTENCY DETERMINATIONS. (a) DGC will coordinate the review and render a determination for a project which requires the permits of two or more state agencies or a federal permit, in the manner provided in this chapter.

(b) A resource agency shall coordinate the consistency review and render a conclusive consistency determination for a project which requires only the permits of a single state agency and no federal permit. The agency shall coordinate the review and render its determination in the manner provided in this chapter.

(c) DGC will participate in a single-agency consistency review in the same manner as the other resource agencies participate. DGC will also, on request of the coordinating agency, act as a facilitator to attempt to resolve any disputed issues. If the project includes a disposal of interest in state land, DGC will either concur in the determination or require modifications necessary for its concurrence.

(d) DGC will, in its discretion, at any time, with reasonable notice, review the consistency review procedures, files, or decisions of a coordinating agency. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16, and
24, Alaska Const.
AS 44.19.145(a)(11)
AS 46.40.100(a).

DGC or Resource Agencies Coordinate State Consistency Reviews

Again, DGC coordinates consistency determinations for projects requiring permits from two or more state agencies or a federal agency. State resource agencies coordinate consistency reviews for projects requiring permits from only one state agency and no federal permits.

DGC has the authority to examine the review procedures, decisions, or files of a state resource agency conducting a consistency review of a project. This ensures that if there is concern about how a state resource agency is conducting its reviews, DGC and that agency can work together to see that the ACMP regulations are being followed properly.

PREAPPLICATION ASSISTANCE BY DGC AND COORDINATING AGENCIES

6 AAC 50.040. PREAPPLICATION ASSISTANCE. DGC will, on request, assist a potential applicant for a state permit for a project by providing and explaining the coastal project questionnaire and the consistency review process as described in 6 AAC 50.070, identifying persons to contact in other state or federal agencies, determining the scope of activities which comprise the project, and providing any other assistance or information at its disposal to facilitate review and approval of the applicant's proposed project. A resource agency shall, on request, provide similar assistance and shall also provide application forms for its own permits. DGC and all resource agencies will attempt to regularly inform each coastal resource district of proposed projects which may have significant and direct impacts on that district. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
 24, Alaska Const.
 AS 44.19.145(a)(11)
 AS 46.40.100(a).

State Agencies Help Applicants Get Started

If the applicant asks for help, DGC and coordinating state resource agencies are responsible for providing the applicant with pre-application assistance. This can take the form of helping the applicant fill out the coastal project questionnaire (CPQ); or scheduling meetings between the applicant, state and federal agencies, and the coastal

district. These meetings usually occur before the applicant actually submits his or her application.

Pre-application Meetings

Pre-application meetings generally occur in the regional offices of DGC or the resource agencies. In some cases, these meetings occur in two cities if the project is large and if the agencies interested in the project have offices in different locations. Many of the pre-application meetings may also involve federal resource agencies. These may include EPA, U.S. Fish and Wildlife Service (USFWS), U.S. Corps of Engineers (COE), and National Marine Fisheries Service (NMFS).

Usually, DGC or the state agency coordinating the review organizes the pre-application meetings. If the project is located in a district with an approved coastal management program, the agency staff will notify the district coordinator of the meeting. The district can choose whether or not to send a representative to attend. If your district does not have an approved program, the DGC or resource agency may not automatically notify you of the pre-application meeting. You can still attend the pre-application meeting, but it is very important that your district let DGC or the resource agency know of the district's interest in being notified of all pre-application meetings.

The District's First Response To a New Application

The district should begin its review of a proposed project at this early stage, when the applicant is contacting state agencies. District involvement at this early stage:

- helps the applicant to understand the resource concerns raised by the district's program;
- helps the applicant prepare a project proposal that will be consistent with the district's program and that will minimize impacts to the district's coastal resources;
- informs the applicant of other local approvals that may be required; and
- informs DGC and state resource agencies of the district's concerns.

EXPEDITED REVIEW

6 AAC 50.050. EXPEDITED REVIEW BY CATEGORICAL APPROVAL AND GENERAL CONCURRENCE DETERMINATIONS. (a) The consistency review of a project will be expedited as provided in (b) or (c) of this section if the project meets the requirements of one of those subsections.

The State List that Classifies Projects

DGC maintains a list called the "Classification of State Agency Approvals Under 6 AAC 50" (Appendix A). This classification is also known as the "A," "B," and "C" lists. The lists classify state approvals into three categories: Categorically Consistent Approvals, General Concurrence Determinations, and Individual Project Reviews.

CATEGORICALLY CONSISTENT APPROVALS

(b) A project which requires one or more state or federal permits, each of which appears on the list published under (e) of this section listing permits which have been categorically approved by DGC as being consistent with the ACMP, is considered to have been conclusively determined by DGC to be consistent with the ACMP. A permit will be categorically approved if DGC determines that the activity authorized by the permit will have no significant impact in the coastal zone.

If a project requires only a permit (or permits) which are categorically approved, then the project is classified as Categorically Consistent with the ACMP. Categorically Consistent projects do not require individual consistency reviews. However, the applicant must obtain all required permits before beginning work.

Definition and Examples of Categorically Consistent Approvals

Categorically Consistent approvals (also referred to as the "A" list) are granted for activities that the DGC has determined do not have a significant coastal impact as defined by the Alaska Coastal Management Act (see list of Categorically Consistency Approvals, Appendix A). Although these activities do not require individual project review for consistency with the ACMP, the applicant still must apply to the appropriate state resource agency for any necessary permits. The applicant must also comply with applicable local regulations.

Examples of activities that are classified as Categorically Consistent include:

- open burning (for air quality purposes);
- plan review and approval of sewerage or sewage treatment works;
- game sanctuary entry;
- gravel sales from previously-approved upland sources;
- certain water withdrawals on the North Slope;
- trapping and remote cabin sites;
- assignment of mineral interests; and
- notice of intent to explore for surface coal.

GENERAL CONCURRENCE

(c) A project which requires one or more state or federal permits not categorically approved as provided in (b) of this section will be considered consistent without further review, if it meets the requirements of a general concurrence determination contained on the list published under (e) of this section. A "general concurrence determination" is a consistency determination for a type of project which includes only routine activities, and which can be effectively made consistent with the ACMP by imposing standard stipulations on

the applicable permit. If a subsequent project of any applicant fits the description in a general concurrence determination, the project will be considered consistent with the ACMP if it complies with the stated standard stipulations.

If a project is routine and can be conducted in accordance with specific rules or conditions, it may fall under the General Concurrence category. No individual consistency review is required. Again, the applicant must obtain all other necessary permits.

Definition and Examples of General Concurrence Approvals

Activities on the General Concurrences list (also referred to as the "B" list) are consistent with the ACMP so long as the activity complies with standard stipulations. Applicants must still obtain the necessary state and local permit approvals. They must also comply with any conditions and regulatory provisions included in the permits. Each General Concurrence has been assigned a number and description, and is accompanied by a list of standard conditions (see list of General Concurrences in Appendix A).

Examples of activities that are classified as General Concurrence include:

- activities for which the COE issues nation-wide permits;
- activities for which the COE issues general permits;
- recreational placer mining;
- temporary navigation sites;
- access across state park lands;
- cross-country movement of equipment in winter;
- activities which have received National Pollution Discharge Elimination System (NPDES) permits for Norton Sound and the Beaufort Sea;

- surface oiling of roads; and
- temporary camps on state lands.

PROJECTS REQUIRING INDIVIDUAL REVIEW

(d) A project which requires one or more state or federal permits, and which is not within the categories described in (b) or (c) of this section, is subject to review as an individual project as provided in this chapter.

Some projects involve activities that are not categorically consistent or that have not been given a general concurrence determination. These projects must be individually reviewed for consistency with the ACMP and the coastal management program of the approved district in which they are located. The remaining sections of 6 AAC 50 describe this review process in detail.

CATEGORICAL APPROVAL AND GENERAL CONCURRENCE LISTS

(e) DGC will publish a list of permits which have been categorically approved as being consistent with the ACMP, and a list of general concurrence determinations, and will identify on each list those permits or projects for which a coastal project questionnaire is not necessary. DGC will amend these lists as necessary on its own initiative, or on the request of a coastal resource district or a resource agency based on new information regarding the impacts of these activities, including cumulative impacts. Before publishing or amending these lists, DGC will distribute the proposed lists or amendments for comment in the manner provided in 6 AAC 50.070 for a project consistency review. (Eff. 3/11/84, Reg. 89)

Authority:

**Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11).**

How Activities are Classified

The classification of approvals was prepared by DGC in coordination with the state and federal resource agencies and coastal districts. DGC may change the list if there is new information regarding the impacts of these activities. A coastal resource district or a state resource agency may request that DGC consider changes. Any proposed changes to the classification list also go through a review process, which provides an opportunity for district, agency, and public comment.

DETERMINING PROJECT SCOPE

6 AAC 50.060. SCOPE OF PROJECT TO BE REVIEWED. The scope of activities which are to be reviewed for consistency with the ACMP as part of a project will be determined based on statements of the applicant, the information provided in the coastal project questionnaire, and any additional information which DGC or a resource agency finds necessary to request. If there is disagreement among the agencies, DGC will make the final decision. If DGC determines that a project under review by a resource agency is one requiring a federal permit, or the permits of two or more state agencies, DGC will immediately notify the applicant and the resource agency that the consistency review will be coordinated by DGC, and will commence as provided in 6 AAC 50.070 when DGC has received completed applications for all necessary permits and a completed coastal project questionnaire. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11)

Projects Affecting the Coastal Zone

The state resource agencies determine if the project¹ is located in, or may affect, the coastal zone. If so, the project must be reviewed for consistency with the ACMP.

¹Project" is defined by 6 AAC 50.190(14) as an "activity or use which will be located in or may affect the coastal zone of Alaska and which is subject to consistency review under section 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. Section 1456), or which requires the issuance of one or more state permits; when a land or water activity is developed or authorized in discrete phases, and each phase requires agency decisions regarding permits, each phase is considered a 'project'."

The Scope: Finding All the Pieces Before You Start

Your district and the state agencies often take interest in how extensive a project will be, in addition to its location. The "scope" of a project refers to the complete range of activities and types of permits that make up a project. For example, suppose an applicant wants to construct a boat harbor. (A hypothetical boat harbor project is used as an example throughout this chapter.) In the pre-application meeting, the applicant states on the coastal project questionnaire that the boat harbor will require numerous construction activities: construction of a breakwater, a road, and a water and sewer system; placement of fill, dredging, and construction of pile supports. This construction constitutes the complete range of activities required to build the boat harbor. Although originally presented as a single activity, this project has now been redefined in scope so that the consistency review can cover all related construction.

A project's scope affects not just the review, but the type and number of permits as well. For example, construction of the road for the above-mentioned boat harbor will require placement of fill. Filling requires a permit from the COE under Section 404 of the Clean Water Act. This COE permit, in turn, requires DEC to issue a Certificate of Reasonable Assurance for water quality because the placement of fill may affect water quality in the immediate area. Each of the activities associated with the boat harbor may require one or more state and/or federal permits.

DGC makes the final decision on what activities comprise the project scope. As you can see, DGC looks at all of the construction activities for a project in determining requirements for local, state and federal permits. The number and types of permits determine which agency coordinates the consistency review. All of the required permits are included in the consistency review.

In the boat harbor example, DGC would coordinate the consistency review because 1) a federal permit is required, and 2) at least two state permits are required.

Sometimes a project appears to require permits from only one state agency, so it is scheduled for a single state agency review; but later it is found that the project requires either a federal permit or permit from another other state agency. When this happens, DGC immediately informs the applicant and the resource agency that the project review must be coordinated by DGC. If a review is shifted to DGC, DGC will attempt to meet the review timeframes originally set up for the single agency review.

Phasing

When proposed projects involve the construction of several facilities, the applicant may propose to construct these facilities in phases with separate approvals for each phase. "Phasing," or the practice of permitting several construction stages separately, is sometimes necessary. However, the decision to review the project in phases must be made carefully. Phased review can make it difficult for the district and resource agencies to look at the project as a whole in order to determine its cumulative impacts and to effectively mitigate or reduce them. The coordinating agency will discuss the proposal to "phase" a project review with you and other resource agencies.

CONSISTENCY REVIEW

You may wish to refer back to Figure II-1 for an overview of the consistency review process.

6 AAC 50.070. CONSISTENCY REVIEW PROCESS.

(a) Except as provided in 6 AAC 50.050(e) or in (b) of this section, DGC on request, or a resource agency which receives an application for a permit for a coastal project, shall give the applicant a project questionnaire provided by DGC. Based on the information provided by the applicant in response to the questionnaire, the agency shall identify all state resource agencies which the applicant must contact regarding the project before submitting an application for a permit.

Coastal Project Questionnaire (CPQ)

The coastal project questionnaire (Appendix D) is the most convenient way to determine which state approvals are needed for a proposed project. The applicant must fill out the CPQ before a consistency determination can begin. The CPQ is designed to help the applicant identify whether his or her project needs any approvals from the three resource agencies. It will tell:

- *which state agency permits are required; and*
- *whether or not any federal permits are required.*

The CPQ Spells out the Project for You and the Applicant

When you review the CPQ, you will notice that it is divided into six parts (A-F). These are explained below.

Part A indicates:

- the applicant's name, address, and telephone number;
- contact person;
- a brief description of the project;
- starting and ending dates for the project; and
- project location.

The CPQ also indicates whether the project is on state, federal, municipal, or private land. The applicant notes in which region of the state the project is located, i.e., northern, southcentral, or southeast. The project's location tells you which regional DGC and state resource agency offices will be involved in the consistency review.

Part B indicates whether the applicant currently has any valid state and/or federal permits for the project and when the permits expire. This part also indicates whether the applicant has or intends to apply for a COE permit and/or any other federal permits.

Part C asks questions which determine whether DNR will require any permits.

Part D asks questions which determine whether DFG will require any permits.

Part E asks questions which determine whether DEC will require any permits.

Part F requires the applicant to sign and date the CPQ.

The applicant can obtain a CPQ from any of the DGC regional offices. You, as the district coordinator, should also have CPQs and can give them to applicants as well. If the applicant has questions that you cannot answer about any portion of the CPQ, you should ask him to call one of three DGC regional offices to obtain the answer(s).

PLACER MINING APPLICATION

(b) A project questionnaire is not required for placer mining activity which is authorized by an annual application known as the "triagency placer mining application." These applications must be submitted to the Department of Natural Resources (DNR). DNR will distribute these applications to initiate the consistency review of the projects as provided in this chapter.

Instead of filling out a CPQ, placer miners must, on a yearly basis, submit a placer mining application to DNR. DNR coordinates the consistency review process for their applications.

SUBMITTING AN APPLICATION PACKET TO DGC

(c) For a project requiring a federal permit or the permits of two or more state agencies, the applicant shall submit a packet including all necessary state permit applications, copies of all necessary federal permit applications, and the project questionnaire to DGC, except that confidential information or fees must be handled as provided in 6 AAC 50.080. The coordinating agency may require the applicant to provide additional copies of maps or other documents which may not be conveniently duplicated.

If DGC coordinates the consistency review of the project, the applicant submits all application materials (except confidential information and fees) to DGC to initiate the review.

SUBMITTING AN APPLICATION TO A RESOURCE AGENCY

(d) For a project requiring only the permits of a single state agency, the applicant shall submit a packet in-

cluding all necessary applications and the project questionnaire to the agency.

As noted earlier, if only one state resource agency requires permits, that agency coordinates the review of the project to assure consistency with the ACMP, in the manner outlined in 6 AAC 50.070. The applicant submits all application materials to the resource agency to begin the review.

REVIEW PROCESS BEGINS

(e) Immediately upon receipt, the coordinating agency shall review the packet and shall inform the applicant if it appears to be incomplete. If the packet appears to be complete, and the project does not include a disposal of interest in state land, the coordinating agency shall immediately assign a project number, and note the date as Day 1 of the consistency review process. For a project which includes a disposal of interest in state land, the consistency review will begin at a date which DGC and DNR agree will most effectively allow for both the consistency review and DNR's own statutory responsibilities. Acceptance of the packet does not preclude an agency from requesting additional information or applications from the applicant as necessary for its consistency review or its own statutory responsibilities.

Starting the Clock

Once the coordinating agency finds that the applicant's application materials are complete, the clock "starts." That day is called "Day 1" of the consistency review process.

How Long Does the Process Take?

The coordinating agency will complete the review within either 30 or 50 days. The 50-day review schedule is most commonly used.

For a project which includes a disposal of interest in state lands, the coordinating agency will work with DNR to establish a review schedule². The schedule will synchronize the consistency review schedule and DNR's statutory responsibilities regarding disposal of interest, allowing both processes to run concurrently.

After the coordinating agency accepts an application as complete, an agency or district can still request additional information, up to Day 15 in a 30-day review process, or Day 25 in a 50-day review process.

PACKET DISTRIBUTION

(e) (Continued)

On or before Day 2, the coordinating agency will distribute copies of the packet to all resource agencies, other state agencies on request, all affected coastal resource districts, and other interested parties. For a 30-day review, the distribution may be limited in the discretion of the coordinating agency but must, if requested in writing, include any affected coastal district with an approved program. Along with the packet, the coordinating agency will distribute a notice establishing a comment deadline at Day 34 in a 50-day review period, at Day 17 in a 30-day review period, or later if the review period is extended as provided in 6 AAC 50.100. The notice will also state the applicable time limit, if any, imposed by the federal law or regulation.

Being Included in the Review Process

Within two days of receiving a complete application packet, DGC or other coordinating agency will distribute a copy of the packet and any other pertinent information about the project to state resource agencies, to other state agencies on request, and to the appropriate coastal dis-

²The "disposal of interest in state land" means the sale, lease, or other disposition of state-owned or state-managed land or resources by the Department of Natural Resources.

trict. In a 30-day review, DGC or the other coordinating agency may limit the number of agencies to whom it sends the packet. In these cases, it is very important for you, the district representative, to write the DGC or other coordinating agency, and state that you want to be included in the review process.

Check Your Mail: You'll Need the Packet

In the distribution packet to other agencies, the coordinating agency will identify:

- that the project is being reviewed for consistency with the ACMP;
- the name and identifying number for the project, if applicable;
- the date by which additional information regarding the project must be requested;
- the date by which comments must be received and to whom they are to be addressed; and
- the concluding date of the consistency review. These dates are established by regulation (see 6 AAC 50.070).

After you receive your packet, it is very important that you note:

- the deadline for requesting more information from the applicant; and
- the deadline for you to submit your comments to DGC or other coordinating agency.

PUBLIC NOTICE

(f) If the coordinating agency determines that the public notice, if any, provided by the resource agencies as part of their review of a permit is not adequate to inform the public about the project and the consistency review process, the coordinating agency shall, as soon as possible, publish a public notice in a newspaper

or on radio or television in the affected areas, describing the project and the consistency review process. In evaluating the need for public notice of a project, the coordinating agency shall consider the magnitude of likely impacts, including cumulative impacts on the affected area, but may not unreasonably require public notice for a project for which notice is not statutorily required. DGC will encourage the joint public notice of project reviews when a permit from more than one agency is required.

The coordinating agency must adequately notify the public about the review, whether by mail, newspaper, radio, or television. The public notice should:

- *describe the project;*
- *announce that the project is being reviewed for consistency with the ACMP; and*
- *indicate how the public can get involved.*

REQUESTS FOR INFORMATION

(g) The coordinating agency, on its own initiative or at the request of a resource agency or of an affected coastal district with an approved program, may request from the applicant by Day 25, or Day 15 of a 30-day review period, additional information relevant to the proposed project, which is necessary for its consistency review or its own statutory responsibilities.

Day 25 of a 50-day review and Day 15 of a 30-day review are the last days for an agency or district to request additional information from the applicant.

Get an Early Start

In order to determine whether you need additional information to conduct your review, it is essential that you review the project information packet early. The sooner you request information, the less chance that you will need to ask DGC or the coordinating resource agency to stop the review while you wait for the information and then review it. The goal is to get the needed information without slowing down the review.

One of the first things you may want to do is to conduct a cursory review of the proposed project. This will help you determine whether you need additional information. It will also help you decide whether to consult other parties in the district (such as Native corporations and villages), and whether to send them a copy of the application packet. These other groups may also request more information about the project.

How To Ask Good Questions

If you ask the applicant additional information in order to conduct your review, it is very important to ask clearly-stated, specific questions, usually in writing. Figure II-2 is an example of a letter to send the applicant. Be sure to send a copy of your letter to the coordinating and resource agencies.

FIGURE II-2
REQUEST FOR ADDITIONAL INFORMATION
BY COASTAL DISTRICT REVIEWERS

REGISTERED MAIL
RETURN RECEIPT
REQUESTED

(Date)

(Name & Address)

Dear _____:

SUBJECT: [Project Name]
(State I.D. Number)

The (district) is participating in the review of this project for consistency with the Alaska Coastal Management Program. The following additional information is needed in order for the (district) to complete our review.

(list information needed)

Please respond to me at (district address) and send a copy of your response to the (coordinating agency and address). If by (day 14/day 24) a response has not been received and determined to be adequate and complete, we will ask that the (coordinating agency) extend the review schedule. To avoid delays in the review of your project, please respond at your earliest convenience.

Sincerely,

(Reviewer)
(Title)

cc: (Coordinating agency reviewer)

For example, consider an application to build a boat harbor. Perhaps it is unclear from the information packet whether the boat harbor will require fill in the water. You can request the applicant to indicate:

- whether any fill will be placed in the water;
- where it will be placed, as shown on a map of the project area;
- how much fill will be placed (usually in cubic yards);
- the area the fill will cover; and
- the minimum and maximum thickness of the fill to be placed in the water, shown by cross-section.

If the information you are requesting is not critical but merely helpful, a verbal request may be adequate. When you make verbal requests, it's wise to enter a record of your phone calls and your conversations into your project file. Remember though: if you need information crucial to the project, request it in writing to verify that you contacted the applicant.

If Information Doesn't Arrive, Stop the Clock

If you do not receive all the information you have requested by Day 15 of a 30-day review or by Day 25 or a 50-day review, contact the coordinating agency. They may "stop the clock" until you receive the information. The coordinating agency will "restart the clock" after you receive the necessary information.

SUBMITTING COMMENTS

(h) Comments must be received by the coordinating agency on or before the comment deadline established by the coordinating agency. Each commenter shall also send copies of its comments to the resource agencies. Verbal comments must be confirmed by written comments postmarked within five working days after the verbal comments. If the commenter recommends stipulations on the consistency determination, a brief written justification must be provided by the commen-

ter for each stipulation. Upon request, the coordinating agency shall send copies of comments to other interested parties.

Your comments on the project are due to the coordinating agency by Day 34 of a 50-day review or by Day 17 of a 30-day review. You must submit your comments in writing or over the state's electronic communication system (PROFS). If necessary, you may give the coordinating agency your comments by phone by the deadline and then, within five working days, follow them up with written or PROFS comments. Be sure to send copies of your comments to the coordinating agency and to all other participants in the review (use the original distribution list for the project to identify to whom copies of your comments should be sent).

How to Write Useful Comments

The following suggestions might help you prepare more effective comments:

- Don't hesitate to contact state resource agencies to get advice from resource specialists if the project information is technical in nature. You aren't expected to be an expert in every aspect of coastal resources from abalones to zinc mining. It is also a good idea to coordinate with an agency on your response.
- Analyze the project's probable individual and cumulative impacts. Also look at the impacts from the project's associated uses. For example, consider a proposed boat harbor once again. Its individual impacts might include a change in tidal currents because of fill placement. Its cumulative impacts might be discharge of wastes in the water because of increased boat docking and, possibly, float homes. Associated uses of the harbor might be the construction of new or wider roads leading to the harbor, or adjacent development of retail stores or fish processing facilities. In your review, you should try to look at the total picture of what may happen, rather than one piece. Together, these will determine which ACMP standards and district policies apply to the proposed project.

- Develop a consistency recommendation for the project (that is, judge whether the project is consistent with the district's program, or consistent if certain conditions are followed, or inconsistent). Be sure to include any conditions necessary to ensure that the project is consistent with the ACMP and district program. Conditions might cover construction timing, type of equipment allowed, modifying or restricting the project location, mitigation actions, and others.
- Include any advisory comments, if appropriate, which are not related specifically to consistency concerns.
- Use DGC's recommended format when you write your comment letter (see Figures II-3, II-4, II-5). Make sure your comments are sent to the coordinating agency, and send copies to all other review participants, including anyone within the district that contributed to the development of the district comments.

FIGURE II-3
COMMENT LETTER
PROJECT CONSISTENT AS PROPOSED

(Date)

(DGC Project Review Coordinator
or Agency Review Coordinator)
(Address)

Dear _____:

SUBJECT: [Project Name (usually COE Waterbody Name/Number)]
(State I.D. Number)

The (district) has reviewed the above referenced plan for (brief project description). The (district) finds the project to be consistent as proposed with the Alaska Coastal Management Program (ACMP) (and coastal district program, if approved).

Other Concerns/Advisories: (Include here any items which the reviewer wants the coordinating agency or the applicant to be advised of, such as local approvals required for the project, or recommendations that cannot be tied to ACMP Standards/district policies.)

Sincerely,

(Reviewer)
(Title)

cc: ACMP review participants
Federal agency contact (if federal permit required)
Applicant (optional)

FIGURE II-4
COMMENT LETTER
PROJECT CONSISTENT WITH CONDITIONS

(Date)

(DGC Project Review Coordinator
or Agency Review Coordinator)
(Address)

Dear _____:

SUBJECT: [Project Name (usually COE Waterbody Name/Number)]
(State I.D. Number)

The (district) has reviewed the above referenced plan for (brief project description). The (district) finds the proposed project to be consistent with the Alaska Coastal Management Program (ACMP) (and coastal district program if approved) provided the following conditions(s) is (are) met:

° List Conditions

These conditions are necessary to (insert rationale, including any information specific to the coastal resources at the project site).

These conditions are necessary as per (insert the ACMP Standard(s) and the enforceable district policy/policies on which the conditions are based).

Other Concerns/Advisories: (Include here any items which the reviewer wants the coordinating agency or the applicant to be advised of, such as local approvals required for the project, or recommendations that cannot be tied to ACMP Standards/district policies.)

Sincerely,

(Reviewer)
(Title)

cc: ACMP review participants
Federal agency contact (if federal permit required)
Applicant (optional)

FIGURE II-5
COMMENT LETTER
PROJECT INCONSISTENT

(Date)

(DGC Project Review Coordinator
or Agency Review Coordinator)
(Address)

Dear _____:

SUBJECT: [Project Name (usually COE Waterbody Name/Number)]
(State I.D. Number)

The (district) has reviewed the above referenced plan for (brief project description). The (district) finds the proposed project to be inconsistent with the Alaska Coastal Management Program (ACMP) (and coastal district program if approved).

This finding is based on (insert explicit rationale, including any information specific to the coastal resources at the project site. Also cite the ACMP Standard(s) and enforceable district policy/policies to which the finding is tied).

(If there is a way in which the project could be made consistent, such as with a particular modification, describe this also.)

Other Concerns/Advisories: (Include here any items which the reviewer wants the coordinating agency or the applicant to be advised of, such as local approvals required for the project, or recommendations that cannot be tied to ACMP Standards/district policies.)

Sincerely,

(Reviewer)
(Title)

cc: ACMP review participants
Federal agency contact (if federal permit required)
Applicant (optional)

What Do My Comments Have to Include?

All comments must include the following:

- the name of the project and the state I.D. number;
- a brief description of project under review; and
- your district's recommendation for the project (i.e., consistent with the district's program, consistent with stipulations, or inconsistent).

If you are recommending stipulations, you must:

- list the specific stipulation(s);
- provide the rationale or justification for the stipulation(s); and
- identify the name or number of each ACMP standard and/or district policy which is the basis of each recommended stipulation.

Example: No in-water work shall be allowed between July 1 and August 15. This stipulation is necessary to prevent disruption of salmon spawning which occurs in _____ creek. ACMP reference: 6 AAC 80.130 Habitats (a)(7).

You may also have concerns which are outside the authority of the ACMP. These comments should be clearly identified as "other concerns," and specifically directed to the proper agency.

Example: The Department of Natural Resources should note that the City of _____ has applied for and received approval of these tidelands for construction of a dock. See MLUP #0000.

PROPOSED CONSISTENCY DETERMINATION

(i) The coordinating agency shall encourage and facilitate consideration of comments received and discussion among the resource agencies. The coordinating agency shall determine whether there is a consensus among the resource agencies regarding a proposed consistency determination. The coordinating agency

shall notify the affected coastal resource district with an approved program and the applicant on or before Day 44, or Day 24 in a 30-day review period, of the proposed determination or the issues to be resolved.

The coordinating agency must develop a proposed consistency finding (or determination). (See Figure II-6 for an example.) The regional staff of the resource agencies and the district must concur with the proposed consistency finding. They must also agree with any stipulations that are to be attached to the permit to ensure the project's consistency with the ACMP.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

CENTRAL OFFICE

P.O. BOX AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN
P.O. BOX AW, SUITE 101
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

Registered Mail
Return Receipt
Requested

SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET
SUITE 700
ANCHORAGE, ALASKA 99503-2798
PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

February 26, 1988

FIGURE II-6

Mr. Dan S. Perkins
c/o Mr. Ted Richards
Halibut Cove
Homer, AK 99603

Dear Mr. Perkins:

SUBJECT: NOTICE OF PROPOSED CONSISTENCY DETERMINATION
HALIBUT COVE 6
STATE I.D. NUMBER AK880108-05A

The Division of Governmental Coordination (DGC) has completed coordinating the State of Alaska's consistency review of your project in which you propose to moor two 10-foot by 20-foot wood and styrofoam mariculture rafts in Halibut Cove Lagoon within the Alaska Department of Natural Resources approved mariculture area (section 17, T. 7 S., R. 11 W., S.M.). The purpose of the project is the production and commercial sale of Blue Mussels.

This proposed consistency determination applies to the following state and federal authorizations as per 6 AAC 50:

1. Alaska Department of Environmental Conservation (DEC) - Certificate of Reasonable Assurance.
2. Alaska Department of Fish and Game (DFG) - Title 16 Permit.
3. Alaska Department of Natural Resources (DNR) - Special Use Permit.
4. U. S. Army Corps of Engineers (COE) - Section 10 Permit.

Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, the state concurs with your certification that the proposed activity is consistent with the Alaska Coastal Management Program (ACMP) provided the following stipulations are adopted.

Mr. Dan S. Perkins
Halibut Cove 6
State I.D. No. AK880108-05A

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February 26, 1988

The stipulation listed below will be placed on the Certificate of Reasonable Assurance issued by the DEC:

1. The rafts and nets are not to be treated with any preservatives as these toxic chemicals may be absorbed and accumulated within the shellfish, which are to be sold for human consumption.

This stipulation is necessary to protect water quality and human health by preventing introduction of toxic chemicals into Halibut Cove Lagoon per 6 AAC 80.140 Air, Land, and Water Quality. The text of this standard is provided as an enclosure to this letter.

The stipulations listed below will be placed on the Special Use Permit issued by the DNR/DPOR and the Title 16 Permit issued by the DFG:

1. The mariculture rafts shall be used only for the purpose of rearing and harvest of mature mussels. There shall be no dwelling constructed on the raft. There shall be no shucking or on-site processing of the mussels beyond sorting, washing, grading and packaging.
2. Prior to placing and anchoring the mussel rafts, the applicant shall meet with DNR/DPOR and DFG personnel in Halibut Cove Lagoon to identify and agree on the location of the mariculture rafts. All rafts will be sited on the eastern shore of the lagoon to minimize public access conflicts.
3. Rafts shall be sited in areas that will not impede free navigation for commercial or recreational purposes.
4. Rafts shall have no shore anchoring cables or other shore attachments.

The stipulations below will be placed on the Special Use Permit issued by the DNR/DPOR:

5. The project will be reviewed two years from the issuance of the first permit to determine its impact on access to coastal waters. Coastal consistency permits may be renewed for additional terms based on the review.
6. All mariculture rafts shall be located a minimum of 450 feet from mean high water.
7. The permittee(s) shall be limited to fixed mussel rafts. Long line spat collectors are prohibited.

Mr. Dan S. Perkins
Halibut Cove 6
State I.D. No. AK880108-05A

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February 26, 1988

Stipulation 1 is necessary to prevent degradation of marine habitat in Halibut Cove Lagoon per 6 AAC 80.130 Habitats. The text of this standard is included as an enclosure to this letter.

Stipulations 2 through 7 are necessary to maintain public access to coastal water in Halibut Cove Lagoon consistent with the ACMP Recreation Standard 6 AAC 80.060. The text of this standard is provided as an enclosure to this letter.

Halibut Cove Lagoon is a major destination for boat traffic that access the Kachemak Bay State Park and engage in fishing, crabbing, and clamming activities within the lagoon. In addition, the DFG operates salmon rearing pens located near the DNR/DPOR floating dock at the head of the lagoon. At times, the lagoon can be extremely crowded with boats due to its popularity with a number of different users.

The majority of boat traffic moves along the western shore of Halibut Cove Lagoon to the head of the lagoon near the DNR/DPOR dock and recreational trailheads. Siting the proposed project on the eastern shore of Halibut Cove Lagoon will preclude interference with boat access within the lagoon or with access to trailheads or clamming areas. Having DNR/DPOR staff who are familiar with the specific use patterns and user destination points in Halibut Cove Lagoon approve the actual site where the proposed rafts will be anchored, as required under the first stipulation, will ensure public access in the lagoon will be maintained.

In addition to the current popularity of Halibut Cove Lagoon, available information suggests the level of use is increasing. In general, sport fishing activity has been steadily increasing over the past several years as has the total number of visitors to the lagoon. Requests to conduct commercial activities like clamming and mussel mariculture operations are also increasing. The state is concerned that the project as currently proposed or expanded could adversely affect public access in the future. A review of project related impacts following two years of operation, as provided under Stipulation 5, will allow a better understanding of whether public access has been adversely affected by the proposed project and help to ensure future public access is maintained should the project be re-authorized or expanded. The two year period will also allow DNR/DPOR to better assess the carrying capacity of Halibut Cove Lagoon to support uses compatible with the management policies of Kachemak Bay State Park.

Please contact Phil Brna at DFG 267-2284 and Roger McCampbell DNR/DPOR 235-7024 to arrange a site visit.

Mr. Dan S. Perkins
Halibut Cove 6
State I.D. No. AK880108-05A

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February 26, 1988

Since I could not reach you by telephone, I have issued this finding as a proposed rather than a conclusive finding. Please contact me within five days of your receipt of this proposed finding to indicate whether or not you concur with the stipulation included above. If you do concur, the finding and project approvals will be issued in final. If you are not prepared to concur within the five day period, you may either;

- (a) request an extension of the review schedule if more time is required to consider the finding, or
- (b) request "elevation" of this finding, by submitting a written statement describing your concerns and a proposed alternative consistency finding. If you do choose to elevate, I would be happy to discuss elevation procedures with you at that time.

If you do not contact me within five days of your receipt of this letter, this finding will be issued in final.

You are advised that in addition to the above stipulations necessary to ensure consistency with the ACMP Standards, the DNR/DPOR and DFG have developed additional special conditions for the mariculture operations in Kachemak Bay State Park and Kachemak Bay Critical Habitat Area under their individual statutory authorities in Title 38 and Title 16, respectively. These conditions are provided below for your information:

DNR/DPOR Permit

1. No mussels shall be collected from state park lands and waters for commercial purposes. Free floating larvae may be collected using fixed spat collectors. (Note: A DFG scientific/educational permit must be obtained before collecting spat.)
2. All mariculture rafts shall be separated by a distance of 200 feet.
3. The state reserves the right to review and approve the structural design of the mariculture rafts. The review criteria shall be limited to the overall size, color and height of the raft above the water surface. Any such review is not intended to determine or warrant that the mariculture raft or operation is safe or in compliance with any statute or regulation.
4. No onshore structures will be permitted. Floating structures will be limited to the mariculture rafts and marking buoys.

Mr. Dan S. Perkins
Halibut Cove 6
State I.D. No. AK880108-05A

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February 26, 1988

5. The permittee shall submit an annual report documenting the season's activities. This report shall be used by the state to evaluate the mariculture operation's compatibility with recreation and to provide information to the visiting public.

DNR/DPOR and DFG Permit:

1. The permittee shall be responsible for the removal of all structures and equipment from Kachemak Bay State Park land and waters (DNR/DPOR) and Kachemak Bay Critical Habitat Area (DFG) should mariculture activities cease or be cancelled. Removal shall be accomplished within 90 days of cessation of activities.

DFG Permit:

1. The DFG Habitat Division shall be notified in writing when the rafts have been installed. Photographs of all project features must be provided with the notification. The project must be completely installed within the one year time period of this permit. For all portions of the project not installed during the permit period, a new permit or permit extension will need to be obtained.
2. An annual report which describes all mariculture related activities completed the previous year and all anticipated mariculture activities for the coming year shall be submitted to the DFG on an annual basis prior to permit expiration. This report will be used by the DFG to determine the economic and biological feasibility of the mariculture operation and its compatibility with the Kachemak Bay Critical Habitat Area.

The DFG has advised us that their Fisheries Rehabilitation, Enhancement and Development (FRED) Division is establishing a permit for shellfish farms, as per HCS CSSB 297, and a Fish Transport Permit for holding and raising shellfish in conjunction with a shellfish farming operation. You will need to obtain these permits prior to operating your farm.

By a copy of this letter we are informing the U. S. Army Corps of Engineers of our proposed finding.

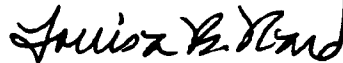
Mr. Dan S. Perkins
Halibut Cove 6
State I.D. No. AK880108-05A

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February 26, 1988

I look forward to hearing from you within five days. Thank you
for your cooperation with the ACMP.

Sincerely,



Louisa B. Rand
Project Review Coordinator

Enclosure

cc: Sue Millington
Department of Natural Resources

Janetta Pritchard
Department of Natural Resources

Tim Rumfelt
Department of Environmental Conservation

Phil Brna
Department of Fish and Game

Sylvia Spearow
Kenai Peninsula Borough

Allan Skinner
U. S. Army Corps of Engineers

The Experts' Advice Counts More

In making the consistency finding, the coordinating agency must give "due deference" to the resource agencies and coastal districts with approved programs. Due deference means following the recommendations of the agency or district having the most expertise in a particular field. For example, the local district with an approved program is considered to be the "expert" on the interpretation and application of its program, while DEC would be considered the expert on water and air quality; DNR, the expert on oil and gas drilling, mining, or forestry; DFG on fish, wildlife, or habitat issues. With subsistence issues DFG might be the expert on some issues, but a local district in a remote region of Alaska would likely be the expert on many aspects of subsistence.

The Preliminary Decision

The coordinating agency must announce the proposed consistency determination and stipulations to the resources agencies, applicant, and coastal district by Day 44 of a 50-day review or by Day 24 of a 30-day review. If the coordinating agency is not including stipulation that a district has recommended, the agency must discuss it with the district. The agency should also state in writing the reason(s) for rejecting the stipulation (see 6 AAC 50.120(a)). The agency must receive the district's concurrence before issuing the finding.

DISAGREEMENT WITH PROPOSED CONSISTENCY DETERMINATION

(j) If a resource agency, an affected coastal resource district with an approved program, or the applicant does not concur with the proposed consistency determination, it may request elevation of the review by submitting a written statement which describes its concerns and includes a proposed alternative consistency determination which would meet its concerns. That party shall distribute this statement so that all resource agencies, affected coastal resource districts, the applicant, and DGC will receive a copy on or before Day 49, or Day 29 in a 30-day review period, or within five days after receiving notice of the proposed deter-

mination, whichever is later. This requirement may be satisfied by transmitting the substance of the statement to the coordinating agency by telephone or other telecommunication device and sending written confirmation to all parties by mail or courier on or before the deadline under this subsection.

You might disagree with the proposed consistency determination if it does not follow the recommendation you submitted to the coordinating agency. As a first response, you should discuss your district's disagreement with the coordinating agency to see if you can reach a consensus. If you cannot reach agreement, you, as a district with an approved program, may appeal, or "elevate," the proposal determination. The rules for elevating a proposed determination are outlined in the next paragraphs.

Asking to Elevate for a Second (and Third) Opinion

An elevation is a formal request for reconsideration of the determination. Initially, the dissatisfied party requests that the coordinating agency elevate the decision to the Directors of the resource agencies. If the party requesting the elevation (the district, agency, or applicant) is still not satisfied with the Directors' decision, they can then elevate the issues to the Commissioners of the resource agencies.

The agency that coordinates the elevation has several responsibilities. It arranges any necessary meetings among the district, the resource agencies, and the applicant. The coordinating agency mediates among these parties to resolve the disputed issues and to reach a consistency determination that satisfies all concerns.

Watch the Deadline for Elevations

The dissatisfied party must request the elevation in writing by Day 49 of a 50-day review, or Day 29 of a 30-day review. The best way for the party to prove that he or she has met the deadline is to have the written request hand-postmarked by the required day. The party requesting elevation must distribute its request to the coordinating agency, the resource agencies, and the project applicant.

If the dissatisfied party can't mail a written request by the respective deadline, then he or she may request the elevation by telephone or other telecommunication device, such as PROFS, FAX, or telecopier. He or she still must follow up with a request in writing.

If you, the district coordinator, decide to elevate, your written request must specifically describe the reason(s) you think the determination is inconsistent with the district's policies or the ACMP. In the same letter requesting the elevation, you must also propose an alternative consistency determination that would satisfy your district's concerns. In other words, this is your opportunity to tell DGC or the coordinating resource agency how you would make the consistency determination. Use DGC's recommended format when you write your request. (See Figure II-7.)

FIGURE II-7
REQUEST FOR ELEVATION
OF A PROPOSED CONSISTENCY DETERMINATION

(Date) *

(DGC or Agency Review Coordinator)
(Address)

Dear _____:

SUBJECT: [Project Name (usually COE waterbody name/number)]
(State I.D. Number)

The (district) has reviewed the proposed consistency determination issued for this project. The (district) is requesting elevation of the consistency review to the (directors/commissioners) for further consideration. Our request is based on the following concerns.

Concerns: (Specify your concerns with the proposed consistency finding. Include an explanation of why the proposed finding is not consistent with your approved coastal management program. Reference the policies of your program which are not being met.)

Alternative Consistency Determination: (Propose an alternative consistency determination which would be consistent with your approved program. Include references to specific program policies and justification for any conditions or stipulations that are included in your proposed finding.)

Thank you for your consideration of this request for elevation.

Sincerely,

(District Staff)
(Title)

cc: ACMP review participants
Applicant

* Note: This request for elevation is due to the coordinating agency within five days after you receive the proposed consistency finding.

Helping With an Elevation Initiated by Someone Else

There are several circumstances in which you may participate in an elevation requested by an applicant or a resource agency. You may become involved if the disputed consistency determination is based on your recommendations. Or you may be involved just because you reviewed the application. As a participant in the elevation process, you will be asked to review all materials, information, maps, etc., that the applicant or resource agency wishes to be reconsidered. You will also be asked to participate in the meetings held to discuss the elevation. Because the decision reached by the Director must be consistent with your approved district program, your involvement and participation is crucial.

If the disagreement is based on your recommendation, you will need to be able to defend your decisions. Therefore, it is very important initially to formulate a clear consistency recommendation that is strongly supported by your policies.

CONCLUSIVE CONSISTENCY DETERMINATION

(k) The coordinating agency shall issue a conclusive consistency determination on or before Day 50, or Day 30 in a 30-day review period, if it has not received a request to elevate the review. If the coordinating agency receives a request, the agency shall elevate the review as necessary to the division directors, and then commissioners of the resource agencies, and may extend the decision deadline in accordance with 6 AAC 50.110(b)(7). If the review is elevated, the coordinating agency, or DGC on request, shall arrange meetings and shall mediate among the resource agencies, the affected coastal resource districts with approved programs, and the applicant, for the purpose of attempting to resolve any disputed issues and to formulate a mutually acceptable consistency determination. If no consensus is reached, the coordinating agency shall render a determination consistent with any policy direction given by the commissioners or the governor. (Eff. 3/11/84, Reg. 89)

Authority:

Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11).

If no elevation has been requested, a final or "conclusive" consistency determination is issued on or before Day 50 of a 50-day review, or on or before Day 30 of a 30-day review. The conclusive consistency determination is issued either by DGC or by the resource agency, depending on who is coordinating the review.

If an elevation has been requested, the coordinating agency waits to issue a conclusive consistency determination until all elevation actions are completed. If the district, agency representatives, and the applicant simply can't agree, then the coordinating agency will break the stalemate and issue a conclusive consistency determination based on a policy decision made by the Commissioners or the Governor.

What Does a Conclusive Consistency Determination Look Like?

The consistency determination will include the following information:

- the name and identification number of the project;
- a decision (called a finding) whether a project is consistent or inconsistent with district coastal policy and the ACMP;
- a list of conditions (if any) necessary to make the project consistent;
- a list of any stipulations (based on the conditions that will make the project consistent), and an indication of which permit will carry the stipulations;
- list of state and/or federal permits to which the consistency determination applies; and
- any non-consistency related comments.

Figure II-8 is an example of a final consistency determination.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

CENTRAL OFFICE

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PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

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Registered Mail
Return Receipt
Requested

SOUTHCENTRAL REGIONAL OFFICE

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SUITE 700
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PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

March 7, 1988

FIGURE II-8

Mr. Dan S. Perkins
c/o Mr. Ted Richards
Halibut Cove
Homer, AK 99603

Dear Mr. Perkins:

SUBJECT: NOTICE OF CONCLUSIVE CONSISTENCY DETERMINATION
HALIBUT COVE 6
STATE I.D. NUMBER AK880108-05A

The Division of Governmental Coordination (DGC) has completed coordinating the State of Alaska's consistency review of your project in which you propose to moor two 10-foot by 20-foot wood and styrofoam mariculture rafts in Halibut Cove Lagoon within the Alaska Department of Natural Resources approved mariculture area (section 17, T. 7 S., R. 11 W., S.M.). The purpose of the project is the production and commercial sale of Blue Mussels.

On February 26, 1988, DGC issued you a proposed consistency determination. Our records show that you received that letter on March 1, 1988, and therefore the five days that were provided for your response have passed. Pursuant to the Alaska Coastal Management Regulations, 6 AAC 50, DGC is required to issue this finding in conclusive form today.

This conclusive consistency determination applies to the following state and federal authorizations as per 6 AAC 50:

1. Alaska Department of Environmental Conservation (DEC) - Certificate of Reasonable Assurance.
2. Alaska Department of Fish and Game (DFG) - Title 16 Permit.
3. Alaska Department of Natural Resources (DNR) - Special Use Permit.
4. U. S. Army Corps of Engineers (COE) - Section 10 Permit.

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Based on the review of your project by the Alaska Departments of Natural Resources, Environmental Conservation, and Fish and Game, the state concurs with your certification that the proposed activity is consistent with the Alaska Coastal Management Program (ACMP) provided the following stipulations are adopted.

The stipulation listed below will be placed on the Certificate of Reasonable Assurance issued by the DEC:

1. The rafts and nets are not to be treated with any preservatives as these toxic chemicals may be absorbed and accumulated within the shellfish, which are to be sold for human consumption.

This stipulation is necessary to protect water quality and human health by preventing introduction of toxic chemicals into Halibut Cove Lagoon per 6 AAC 80.140 Air, Land, and Water Quality. The text of this standard is provided as an enclosure to this letter.

The stipulations listed below will be placed on the Special Use Permit issued by the DNR/DPOR and the Title 16 Permit issued by the DFG:

1. The mariculture rafts shall be used only for the purpose of rearing and harvest of mature mussels. There shall be no dwelling constructed on the raft. There shall be no shucking or on-site processing of the mussels beyond sorting, washing, grading and packaging.
2. Prior to placing and anchoring the mussel rafts, the applicant shall meet with DNR/DPOR and DFG personnel in Halibut Cove Lagoon to identify and agree on the location of the mariculture rafts. All rafts will be sited on the eastern shore of the lagoon to minimize public access conflicts.
3. Rafts shall be sited in areas that will not impede free navigation for commercial or recreational purposes.
4. Rafts shall have no shore anchoring cables or other shore attachments.

The stipulations below will be placed on the Special Use Permit issued by the DNR/DPOR:

5. The project will be reviewed two years from the issuance of the first permit to determine its impact on access to coastal waters. Coastal consistency permits may be renewed for additional terms based on the review.

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6. All mariculture rafts shall be located a minimum of 450 feet from mean high water.
7. The permittee(s) shall be limited to fixed mussel rafts. Long line spat collectors are prohibited.

Stipulation 1 is necessary to prevent degradation of marine habitat in Halibut Cove Lagoon per 6 AAC 80.130 Habitats. The text of this standard is included as an enclosure to this letter.

Stipulations 2 through 7 are necessary to maintain public access to coastal water in Halibut Cove Lagoon consistent with the ACMP Recreation Standard 6 AAC 80.060. The text of this standard is provided as an enclosure to this letter.

Halibut Cove Lagoon is a major destination for boat traffic that access the Kachemak Bay State Park and engage in fishing, crabbing, and clamming activities within the lagoon. In addition, the DFG operates salmon rearing pens located near the DNR/DPOR floating dock at the head of the lagoon. At times, the lagoon can be extremely crowded with boats due to its popularity with a number of different users.

The majority of boat traffic moves along the western shore of Halibut Cove Lagoon to the head of the lagoon near the DNR/DPOR dock and recreational trailheads. Siting the proposed project on the eastern shore of Halibut Cove Lagoon will preclude interference with boat access within the lagoon or with access to trailheads or clamming areas. Having DNR/DPOR staff who are familiar with the specific use patterns and user destination points in Halibut Cove Lagoon approve the actual site where the proposed rafts will be anchored, as required under the first stipulation, will ensure public access in the lagoon will be maintained.

In addition to the current popularity of Halibut Cove Lagoon, available information suggests the level of use is increasing. In general, sport fishing activity has been steadily increasing over the past several years as has the total number of visitors to the lagoon. Requests to conduct commercial activities like clamming and mussel mariculture operations are also increasing. The state is concerned that the project as currently proposed or expanded could adversely affect public access in the future. A review of project related impacts following two years of operation, as provided under Stipulation 5, will allow a better understanding of whether public access has been adversely affected by the proposed project and help to ensure future public access is maintained should the project be re-authorized or expanded. The two year period will also allow DNR/DPOR to better assess the carrying capacity of Halibut Cove Lagoon to support uses compatible with the management policies of Kachemak Bay State Park.

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Please contact Phil Brna at DFG 267-2284 and Roger McCampbell DNR/DPOR 235-7024 to arrange a site visit.

You are advised that in addition to the above stipulations necessary to ensure consistency with the ACMP Standards, the DNR/DPOR and DFG have developed additional special conditions for the mariculture operations in Kachemak Bay State Park and Kachemak Bay Critical Habitat Area under their individual statutory authorities in Title 38 and Title 16, respectively. These conditions are provided below for your information:

DNR/DPOR Permit

1. No mussels shall be collected from state park lands and waters for commercial purposes. Free floating larvae may be collected using fixed spat collectors. (Note: A DFG scientific/educational permit must be obtained before collecting spat.)
2. All mariculture rafts shall be separated by a distance of 200 feet.
3. The state reserves the right to review and approve the structural design of the mariculture rafts. The review criteria shall be limited to the overall size, color and height of the raft above the water surface. Any such review is not intended to determine or warrant that the mariculture raft or operation is safe or in compliance with any statute or regulation.
4. No onshore structures will be permitted. Floating structures will be limited to the mariculture rafts and marking buoys.
5. The permittee shall submit an annual report documenting the season's activities. This report shall be used by the state to evaluate the mariculture operation's compatibility with recreation and to provide information to the visiting public.

DNR/DPOR and DFG Permit:

1. The permittee shall be responsible for the removal of all structures and equipment from Kachemak Bay State Park land and waters (DNR/DPOR) and Kachemak Bay Critical Habitat Area (DFG) should mariculture activities cease or be cancelled. Removal shall be accomplished within 90 days of cessation of activities.

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DFG Permit:

1. The DFG Habitat Division shall be notified in writing when the rafts have been installed. Photographs of all project features must be provided with the notification. The project must be completely installed within the one year time period of this permit. For all portions of the project not installed during the permit period, a new permit or permit extension will need to be obtained.
2. An annual report which describes all mariculture related activities completed the previous year and all anticipated mariculture activities for the coming year shall be submitted to the DFG on an annual basis prior to permit expiration. This report will be used by the DFG to determine the economic and biological feasibility of the mariculture operation and its compatibility with the Kachemak Bay Critical Habitat Area.

This conclusive consistency determination represents a consensus reached between you and the project applicant and the reviewing agencies listed above as provided for under 6 AAC 50.070(k) regarding the conditions necessary to insure the consistency of the proposed project activities with the ACMP Standards.

If changes to the proposal as authorized by this finding are made during its implementation, you are required to contact this office to determine if a review of the revision is necessary.

The state reserves the right to enforce compliance with this conclusive consistency determination if the actual use differs from the approved use contained in the project description. If appropriate, the state may amend the state approvals listed in this conclusive consistency determination.

The DFG has advised us that their Fisheries Rehabilitation, Enhancement and Development (FRED) Division is establishing a permit for shellfish farms, as per HCS CSSB 297, and a Fish Transport Permit for holding and raising shellfish in conjunction with a shellfish farming operation. You will need to obtain these permits prior to operating your farm.

By a copy of this letter we are informing the U. S: Army Corps of Engineers of our conclusive finding.

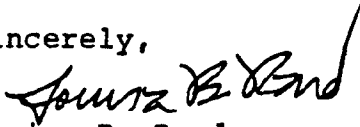
Mr. Dan S. Perkins
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March 7, 1988

Thank you for your cooperation with the ACMP.

Sincerely,


Louisa B. Rand
Project Review Coordinator

Enclosure

cc: Sue Millington
Department of Natural Resources

Janetta Pritchard
Department of Natural Resources

Tim Rumfelt
Department of Environmental Conservation

Phil Brna
Department of Fish and Game

Sylvia Spearow
Kenai Peninsula Borough

Allan Skinner
U. S. Army Corps of Engineers

CONFIDENTIAL INFORMATION

6 AAC 50.080. CONFIDENTIAL INFORMATION AND FEES. An application for a state permit requiring information which must by law be held in confidence, and any fee associated with a state permit, must be submitted by the applicant directly to the agency with responsibility for issuing the permit. The agency shall delete the confidential information from any copy of the application which is distributed for a consistency review under this chapter. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11)

In some permit reviews, the applicant is required to submit confidential information to the state. For example, an application for a seismic operation might include maps with actual seismic lines drawn on them. Other parties could directly benefit from knowing the location of these lines. In such a case, only the agency responsible for issuing permits for seismic operations would review the maps. The agency would withhold any information identified as confidential from public notices and from the distribution packet.

EMERGENCY EXPEDITED REVIEW

6 AAC 50.090. EMERGENCY EXPEDITED REVIEW. If, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited agency permit or consistency review, or if the head of the coordinating agency finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the head of the coordinating agency may modify the review process established in this chapter as necessary to meet the emergency. Any modifications in the review process made under this section must be made in

writing by the head of the coordinating agency, based upon clear and convincing evidence of a need for the modification. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11)

When emergency situations arise, the Director or Commissioner of the coordinating agency may shorten the consistency review process. He or she must explain the modifications of the process in writing.

You'll Be Asked for a Fast Response

A fast-track review doesn't mean you'll be left behind! If a coordinating agency decides to shorten a review, the agency will usually contact all resource agencies and affected districts to ensure that they can comment on the project within the shortened review period. A conscientious applicant who wants to have a project reviewed under the emergency expedited review process can help to compensate for the rush by calling the resource agencies and the affected district directly to explain the circumstances of the review. Because of its emergency nature, the entire review process is often conducted either over the phone or over PROFS.

PUBLIC HEARINGS

6 AAC 50.100. PUBLIC PARTICIPATION (a) Any person may comment on a proposed project by submitting written comments to the coordinating agency on or before the comment deadline. The coordinating agency shall provide a copy of the project packet to any person on request.

(b) If the coordinating agency receives a request for public hearing regarding a project by Day 34, or Day 17 of a 30-day review period, and finds that the request is based on concerns not already adequately addressed in the review, the coordinating agency shall schedule and hold a hearing in the area affected by the project.

(c) Within seven days after receiving a request under (b) of this section, the coordinating agency shall decide whether or not to hold a public hearing.

(d) At least 15 but no more than 30 days before the date of a public hearing, the coordinating agency shall give notice of the time and place of the hearing

(1) by publication in a newspaper which is circulated in the area to be affected by the project;

(2) by written notice to the governing body of an affected coastal resource district; and

(3) if the project is to be located in the unorganized borough, by radio or television announcements.

(e) If new information or issues are presented at a public hearing that have not been considered or resolved by project reviewers, the coordinating agency shall summarize those portions of the hearing testimony and distribute the summary to other resource agencies, affected coastal resource districts, and the applicant, within five days following the hearing. Recommendations for a proposed determination based on the summary may be submitted to the coordinating agency in writing within seven days after receipt of the summary. (Eff. 3/11/84 Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11).

To request a public hearing on a project, you must contact the coordinating agency by the last day of the public comment period. That means Day 17 of the 30-day review, or by Day 34 of the 50-day review. The coordinating agency will only schedule a hearing if it is necessary to consider issues which have not yet been adequately addressed during the review.

How to Spread the Word

The coordinating agency must decide whether or not to hold a public hearing within seven days of your request. If it schedules a hearing, the agency notifies the public at least 15 days but not more than 30 days before the scheduled date.

The coordinating agency publishes notice of the hearing in a local or statewide newspaper. The coordinating agency also sends a written notice to the local governing body, such as the borough assembly, city council, or CRSA board. For a proposed project in the unorganized borough, the coordinating agency will publicize the hearing over the local radio or television station.

If new information arises at the hearing, the coordinating agency will send, within five days, an update to you and to the other project reviewers. If you wish to make additional comments based on this new information, it is best to submit them in writing to the coordinating agency. You'll have seven days after the hearing is held to send new comments.

DEADLINES AND EXTENSIONS FOR CONSISTENCY REVIEWS

6 AAC 50.110. REVIEW PERIOD DEADLINES AND EXTENSIONS. (a) The coordinating agency shall complete a review by either Day 30 or Day 50 unless it extends the applicable decision deadline as provided in (b) or (c) of this section. Each resource agency shall, after consultation with DGC, establish standards for determining whether a 30-day or 50-day decision deadline will apply. DGC will complete a review by Day 30 only if all required permits must by statute or regulation be issued within 30 days.

Consistency reviews must typically be completed on a 30- or 50-day schedule. The statute does provide several opportunities for extending the timeframe for project's review.

DGC will use a 30-day review timeframe only if all the permits required by the proposed project can also be issued within 30 days.

REASONS FOR EXTENSIONS

(b) An associate director within OMB or a division director within the coordinating agency may grant an extension of a consistency review as long as the consistency determination is made within any time limit imposed by federal law or regulation. An extension and the reasons for it must be stated in writing and, except for an extension granted under (1) of this subsection, must be based on clear and convincing evidence of the need for the extension. The coordinating agency will notify the resource agencies, applicant, and affected coastal resource districts of the terms of an extension. The limits on extensions are

(1) for a project located in the unorganized borough, the coordinating agency may, without a request, extend both the comment and decision deadlines by 10 days;

(2) if a commenting agency requests time to perform a field review, the coordinating agency may extend the remaining deadlines by up to 10 days;

(3) if the project involves a disposal of interest in state land or resources and DGC is the coordinating agency, it will, on DNR's request, extend both the comment and decision deadlines for a period necessary to most efficiently coordinate the consistency review and the DNR disposal process;

(4) for a project which is subject to the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87, 91 Stat. 445 (1977) 30 U.S.C. § 1201 et seq., the consistency review deadlines will be extended as necessary to conform to the requirements of that Act and of the Alaska Surface Mining Control and Reclamation Act, AS 27.21;

(5) if a public hearing is held as part of the consistency review process, or as part of a resource

agency review of a necessary permit, the coordinating agency may extend both the comment and decision deadlines as necessary;

(6) if the coordinating agency requests additional information from the applicant as provided in 6 AAC 50.070, the agency may extend the remaining deadlines for a period equal to the time elapsed between the request and receipt of the information;

(7) if the coordinating agency determines that a consensus among the resource agencies, any affected coastal resource district, and the applicant cannot be reached within a 50-day review period, it shall state in writing the issues or conditions which require additional time for review, and may extend the remaining deadlines for up to 15 days for each higher level of review provided in 6 AAC 50.070(k);

(8) if the applicant requests an extension, the coordinating agency may extend the remaining deadlines as requested;

(9) if the coordinating agency determines that the project involves unusually complex issues, it may extend the deadlines as necessary; if the deadline is extended under this paragraph, the agency shall by Day 50, or Day 30 of a 30-day review period, distribute to the resource agencies, the affected coastal resource districts, and the applicant, a written statement of the issues which remain to be resolved; the coordinating agency shall notify all interested parties promptly as issues are resolved.

How Much More Time is Allowed?

There are nine reasons for lengthening the consistency review beyond the standard 30- or 50-day period. They are:

<u>Reason</u>	<u>Extension Period</u>
1) Project is located in the unorganized borough	10 days
2) A commenting agency requests a field review	10 days
3) Disposal of state land or interests	as needed
4) Certain mining projects	as needed
5) Public hearing is required	as needed
6) Coordinating agency requests additional information from applicant	number of days needed to receive additional information
7) Elevation(s) to director and commissioner levels	15 days for each level
8) Applicant requests extension	as applicant requests
9) Complex project	as needed

Common Requests For Extensions

The types of extensions districts most commonly request are:

- Ten-day extensions for reviewing projects within unorganized boroughs. This extension is not automatically given.
- Additional time to receive and review information requested of the applicant.

It is sometimes necessary for the coordinating agency to extend the review so that the applicant can supply you or the resource agencies with additional

information. You can avoid a need for an extension by asking for information directly from the applicant as early in the process as possible. Remember this important rule of thumb: halfway points in both the 30-day and 50-day review calendars are the last days you can request more data.

Getting in Step with Local Government Schedules

A district which is implementing local land management regulations that require final approval from a planning commission, assembly, city council, or other local review body, may have difficulty meeting the deadlines of a 30- or 50-day review period. If the local review process requires a public hearing, such as a hearing in front of the planning commission, the district may request an extension of the review period from the coordinating agency.

If local permitting processes are expected to conflict routinely with the 30- and 50-day state review process, the district and DGC should work out an agreeable schedule, in writing, and in consultation with the resource agencies. You may also consider altering local procedures so that the local review timeframe coincides with that of the state.

COUNTING DAYS

(c) All time periods in this chapter must be calculated using calendar days. An action required to be taken on a Saturday, Sunday, or state or federal holiday must be taken on or before the next working day. (Eff. 3/11/84 Reg. 89)

**Authority: Art. III, Secs. 1, 16 and
 24, Alaska Const.
 AS 44.19.145(a)(11).**

Every Day is a Calendar Day

All time is measured in calendar days. When a decision deadline falls on a Saturday, Sunday, or state or federal holiday, the deadline is pushed back to the next working day. For example, when a decision deadline falls on a Saturday, the decision must be made by or on the following Monday.

CONCLUSIVE CONSISTENCY DETERMINATIONS

6 AAC 50.120. CONCLUSIVE CONSISTENCY DETERMINATION. (a) In rendering a conclusive consistency determination, the coordinating agency shall give careful consideration to all comments and shall give due deference to the comments of resource agencies and affected coastal districts with approved programs. Due deference means that deference which is appropriate in the context of the commenter's expertise and area of responsibility, and all the evidence available to support any factual assertions. A coastal resource district whose district program has been incorporated into the ACMP is considered to have expertise in the interpretation and application of its program. If the coordinating agency rejects a stipulation or recommendation requested by a commenting resource agency or affected coastal resource district with an approved program, within its respective area of expertise, the coordinating agency shall make a written finding stating the reasons for rejecting the stipulation.

(b) The coordinating agency shall render a written conclusive consistency determination before the decision deadline under 6 AAC 50.070 or 6 AAC 50.110. The agency shall distribute its determination to the applicants and to all resource agencies, all other agencies which commented on the project, and all affected coastal resource districts. The determination must describe the scope of the project which was reviewed. If the project is determined to be consistent with the ACMP, the determination must state any conditions or stipulations and must identify the state or federal permits in which each stipulation must be included to ensure that the project is consistent with the ACMP. If a resource agency is the coordinating agency, it may include the determination in its approval or denial of each permit required for the project. (Eff. 3/11/84, Reg. 89)

Authority: Art. III, Secs. 1, 16 and
24, Alaska Const.
AS 44.19.145(a)(11).

Conclusive, or final, consistency determinations are discussed in detail as part of the explanation of 6 AAC 50.070(k). "Due deference" is discussed as part of the explanation of 6 AAC 50.070(i).

ISSUANCE OF PERMITS

6 AAC 50.130. ISSUANCE OF PROJECT PERMITS.

A resource agency shall issue a permit which is necessary for a project, except a lease, within five days after it issues or receives the conclusive consistency determination for that project, unless the commissioner of that agency finds that additional review is necessary to fulfill statutory responsibilities. A resource agency shall issue a lease at the time and in the manner provided by applicable law, regulation, and agency procedure, but not before it issues or receives a conclusive consistency determination for the appropriate project. For a project which is deemed consistent by either categorical approval of all necessary permits or a general concurrence determination, an agency shall issue a required permit as soon as possible in the time and manner prescribed by applicable statutes or regulations. A project permit must contain any applicable conditions or stipulations required by the conclusive consistency determination, and may not contain any additional condition or stipulation for the sole purpose of ensuring consistency. (Eff. 3/11/84, Reg. 89)

**Authority: Art. III, Secs. 1, 16 and
 24, Alaska Const.
 AS 44.19.145(a)(11).**

Agencies Must Issue Permits Promptly After Consistency Determination

A resource agency must issue its permit(s) for the project within five days after the final consistency determination is made, unless the agency needs more time to meet its other statutory requirements. This five-day requirement does not apply to issue of leases. The resource agency

must wait to issue a lease until it receives or makes the conclusive consistency determination.

For projects which are categorically consistent or generally concurrent, resource agencies should issue all necessary permits as soon as possible (see 6 AAC 50.050 (e) for a detailed explanation of these projects).

Finally, all permit conditions or stipulations intended to address consistency must be included in the conclusive consistency determination.



Role of State and Federal Agencies

Role of State and Federal Agencies

Earlier sections of this chapter have described many of the coastal management responsibilities of state and federal resource agencies. However, the role of state and federal agencies may not be clear to readers who skimmed and browsed through various sections. That's fine! Readers should use this manual "cookbook style": looking up a "recipe" or solution as particular needs arise, rather than reading through this manual paragraph by paragraph. For your easy reference, we have compiled this separate section on the role of state and federal agencies in the consistency review process.

At the same time you are reviewing a project for consistency with your district coastal management program, all state resource agencies and some federal resource agencies will be conducting a similar review. As mentioned in the discussion of review standards, if you have an approved district program, each agency will review the proposed project using your district policies as well as the ACMP standards. If you do not yet have an approved district program, the agencies will review the project using just the ACMP standards.

THE ROLE OF STATE AGENCIES

Key points to remember:

- All the activities of state agencies must be consistent with the ACMP, including land disposal, permitting, and other regulatory activities.
- A state resource agency coordinates consistency reviews only for projects which require a permit or permits from that agency and no other. DGC will coordinate the review whenever a project requires permits from more than one state agency or from a federal agency.
- All state resource agencies (DFG, DEC, and DNR) participate in consistency reviews coordinated either by DGC or by other resource agencies. They usually participate in these steps:
 - a. Pre-application. Usually, all state resource agencies are invited to the pre-application meetings with the applicant. Federal resource agencies and the district representative may also attend pre-application meetings.

- b. **Comments.** Each state resource agency reviews projects for consistency with all ACMP standards or district policies. However, the coordinating agency gives each state resource agency (as well as the district) due deference in its area of expertise. This means the agency's comments about a specialized subject are given greater weight than the comments from other reviewers. For example, DEC may receive due deference for air and water quality issues, while DFG may receive due deference for salmon and caribou issues, while DNR may receive due deference for oil and gas or mining issues.
- c. **Forming Consistency Consensus.** Each state resource agency is involved in reaching agreement on whether a proposed project is consistent with either the ACMP standards or a district's policies. When state resource agencies reach a consensus with DGC and the district, then DGC issues the consensus consistency determination.
- d. **Elevations.** A state resource agency can request that the coordinating agency elevate the proposed consistency determination. (See explanation 6 AAC 50.070(j).)

State agencies also answer questions from other agencies, coastal districts or applicants during consistency reviews. They may provide technical expertise on the following coastal resource issues:

Alaska Department of Fish and Game (DF&G)

- conservation of waters used by anadromous fish;
- recreational, commercial, and subsistence use of fish and wildlife;
- research, management and enhancement of fish and wildlife; and
- conservation of legislatively-designated state game refuges, critical habitats, and game sanctuaries.

Alaska Department of Environmental Conservation (DEC)

- protection of the public health and environment;

- conservation and maintenance of air and water quality;
- assurance of proper management and disposal of solid waste and wastewater; and
- control of oil pollution and response to oil and hazardous substance spills.

Alaska Department of Natural Resources (DNR)

- use, development, and conservation of energy minerals;
- use, development, and conservation of other minerals;
- use, development, and conservation of materials (e.g., sand and gravel);
- development of transportation needs associated with resource development;
- use, development, and conservation of all lands and waters belonging to the state;
- use, development, and conservation of all forest resources;
- development of residential or recreational settlements;
- management of historic, prehistoric, and archaeological resources;
- management of state park land; and
- development of agricultural activities.

Alaska Department of Transportation and Public Facilities (DOT&PF)

- capital projects with statewide, interregional, and interdistrict uses impacting the state's transportation system. These include highways, roads, trails, railroads, pipelines, airports (for land and seaplanes), the Marine Highway System (ferries, docks, piers, and terminals), boat docks, and harbors.

THE ROLE OF FEDERAL AGENCIES

Key things to keep in mind are:

- All federal actions which affect Alaska's coastal zone, such as issuance of permits, federal agency activities, and Outer Continental Shelf exploration and development activities, must be consistent with ACMP standards and with approved district coastal policies to the maximum extent practicable.
- Federal resource agencies may comment as part of a project's consistency review. If they want to comment, they usually send representatives to the pre-application meeting. Their comments are only advisory. DGC or other coordinating agencies may consider federal agencies' advice, but are not bound to follow it.

Federal agency areas of expertise and interest are:

United States Army Corps of Engineers (COE)

- identification of water-related and water-dependent uses;
- construction of bridges, causeways, dams and dikes, and the obstruction of navigable waters, all subject to Sections 9 and 10 of the Rivers and Harbors Act;
- development of artificial islands or fixed structures on the Outer Continental Shelf requiring permits under Section 4(F), Outer Continental Shelf Lands Act and Amendment;
- discharge into navigable waters and wetlands requiring a Section 404 permit under the 1972 Federal Water Pollution Control Act.

United States Environmental Protection Agency (EPA)

- discharge of pollutants into navigable waters and wetlands requiring a permit under Section 402 of the 1972 Federal Water Pollution Control Act;

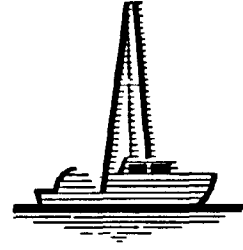
- disposal of sewage sludge requiring a permit under Section 405 of the 1972 Federal Water Pollution Control Act; and
- air pollution standards either for new sources, or waivers of compliance (allowing extensions) for existing uses to meet air quality standards under Section 112(c)(1) of the 1972 Clean Air Act.

United States Fish and Wildlife Service (FWS)

- wetlands;
- migratory bird species; and
- endangered bird species.

National Marine Fisheries Service (NMFS)

- marine mammals such as whales, walrus, seals, and polar bears.



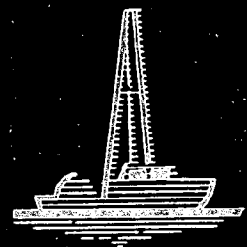
III — Assisting the Applicant

CHAPTER III

ASSISTING THE APPLICANT

Introduction

One of the rewards for a district coordinator is the satisfaction of helping an applicant, one-on-one, to navigate through the system of permits and reviews. When a local resident proposes a project, he or she is likely to come to you, in person, for help and explanation. You can provide help on large corporate projects, too, even if you never see or meet the project applicant. Large projects that require numerous permits or that may be controversial in nature will benefit if you closely coordinate with the applicant and the reviewing agencies. Because you can provide information to the applicant and simplify the local review process, you can limit delays and frustration for all involved in the review process.



**Providing
Information**

Providing Information To the Applicant

The simplest, and most important, method of assisting the applicant is to provide him or her with information about the district's coastal management program and its policies. This will help the applicant understand whether the proposed project is in conformance with the district's goals and policies. It will also help the applicant foresee any conflicts between what he or she wants to do, the district's position, and the public's reaction.

You can also be very helpful in explaining the state and local consistency review process to the applicant. A clear explanation should include:

- a list of materials the applicant must submit;
- the steps that the applicant, the district, and the agencies take along the way; and
- how long it will take to get a consistency determination.

You may also assist the applicant by suggesting that he or she contact DGC for more information, and by providing the names and phone numbers of the appropriate DGC contacts (from Appendix B). Another way to help applicants is to have them fill out the coastal project questionnaire (CPQ) with you to identify other permits that are likely to be required. It is included as Appendix D. Again, you can provide names of agency people for applicants to contact as they proceed.

Existing Information

DGC has developed several brochures that describe the Alaska Coastal Management Program and the coastal consistency review process. They are:

- THE ALASKA COASTAL MANAGEMENT PROGRAM—
How it works for Alaskans
- HOW TO APPLY FOR PERMITS IN ALASKA'S COASTAL
ZONE

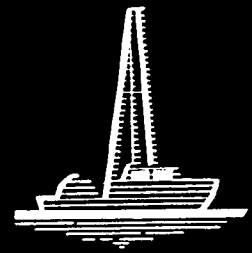
Copies are provided in the back pocket of this manual. You can request additional copies from DGC to distribute to the public in your district.

Developing New Information

You and your district can assist applicants by writing a brochure with the following information:

- general description of district, including goals and boundaries;
- names and phone numbers of the coastal coordinator and the local area resource agency representatives; and
- an explanation of the coastal consistency process, especially local review procedures and local permit requirements.

Several districts have already developed brochures and booklets to assist the applicant. The Bering Straits and Bristol Bay CRSAs have developed user guides which explain the district coastal management programs and the people involved. The Ceñaliulriit CRSA has developed a brochure that is included as Example 4 in Chapter 1, along with the Bristol Bay CRSA user guide (Example 7).

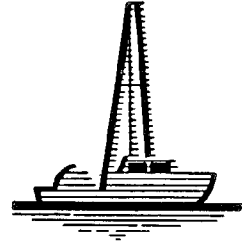


**Simplifying the
Consistency Review**

Simplifying the Consistency Review

When you assist applicants with the action they have to take to earn project approval, you may prevent frustration and delay for the applicant and all those involved in the review. This is especially true in CRSAs and communities where applicants don't have easy access to permitting agencies. Your assistance can include:

- pointing them to DGC staff for help in the consistency review process;
- providing applicants with a copy of the CPQ;
- assisting them to fill out the CPQ;
- coordinating with agencies and applicants to obtain additional information they (or you) may need;
- encouraging and attending pre-application conferences or teleconferences; and
- coordinating local permit review processes (land use permits, building permits, conditional uses, etc.) to coincide with the state's consistency review process.



CHAPTER IV

GLOSSARY

The definitions in bold are taken directly from Alaska statutes and regulations. Those in standard typeface derive from other sources or are additional commentary.

"A," "B", and "C" Lists - used to refer activities listed in Parts A, B, and C, respectively, of a document titled "Classification of State Agency Approvals under 6 AAC 50.050." Activities listed under Part A (the "A" list) are automatically deemed consistent with the ACMP and do not require an individual consistency review nor any new restrictions on how the activity is undertaken. Activities listed under Part B (the "B" list) are regarded as generally consistent with the ACMP, provided they are conducted in accordance with the standard stipulations included in the "B" list. Activities on the "C" list require an individual consistency review.

ACMP - the Alaska Coastal Management Program, as amended, which was developed as provided in Alaska Statutes (AS) 46.40, 6 AAC 80, and 6 AAC 85, and approved by the Secretary of the United States Department of Commerce under authority of Sec. 305 of the Coastal Zone Management Act of 1972, as amended, 15 U.S.C. S1454. The ACMP includes the standards and guidelines incorporated in 6 AAC 80 and 6 AAC 85, as well as the content of approved district coastal management programs.

Adverse impacts or effects - negative or detrimental effects.

Affected coastal resource district - a coastal resource district (as defined in AS 46.40.210(2)) in which a project is proposed to be located or which may experience direct and significant impacts (to its coastal resources) from a proposed project. A project outside of a particular district can affect the district's resources.

Approved district program - a coastal resource district program that has been approved by the Alaska Coastal Policy Council and filed by the lieutenant governor's office.

Area which merits special attention, commonly referred to as AMSAs - a delineated geographic area within the coastal area which is sensitive to change or alteration and which warrants special

management for several reasons:

- **because of plans or commitments;**
- **because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use;**
- **because of the area's value to the general public requires that the area be identified for current or future planning, protection, or acquisition.**

These areas, subject to council definition of criteria for their identification, include:

(A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;

(B) areas of high natural productivity or essential habitat for living resources;

(C) areas of substantial recreational value or opportunity;

(D) areas where development of facilities is dependent upon the utilization of, or access to, coastal waters;

(E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;

(F) areas of significant hazard due to storms, slides, floods, erosion or settlement; and

(G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits;

(H) areas important for subsistence hunting, fishing, food gathering, and foraging;

(I) areas with special scientific values or opportunities, including those areas where ongoing research projects could be jeopardized by development or conflicting uses and activities; and

(J) potential estuarine or marine sanctuaries.

AMSAs are specific areas, either wholly or partially within or outside of established districts, which have been identified as needing close attention in regard to planning and project review.

Barrier islands and lagoons - depositional coastal environments formed by deposits of sediment offshore or coastal remnants which form a barrier of low-lying islands and bars protecting a salt-water lagoon with free exchange of water to the sea.

Beaches - the area affected by wave action directly from the sea.

CMP - Coastal Management Program.

COE - United States Army Corps of Engineers.

CZMA - the federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. S1451 et seq. This Act provided the basis for the development of the Alaska Coastal Management Program.

Categorically Consistent - permits or projects which fall within a category of development that is consistent with the Alaska Coastal Management program because the activity authorized by the permit has no significant impact in the coastal zone (6 AAC 50.050(b)). These permits or projects are included in the "A" list.

Coastal Coordinator - the individual within either an approved or non-approved coastal district whose responsibilities include: developing and implementing the district's coastal management program; coordinating efforts of agencies and the coastal district; helping project applicants; acting as a liaison between agencies and project applicants; involving the public in coastal management; and, in approved districts, reviewing proposed projects to ensure maximum consistency with the district's approved coastal management program. This term is used interchangeably with district coordinator.

Coastal Management Program (CMP) - the local plan directing coastal management which has been approved by the district and which becomes part of the ACMP after approval by the Coastal Policy Council.

Coastal Policy Council - the Council that oversees the Alaska Coastal Management Program (ACMP), setting statewide coastal policy and reviewing coastal district programs for approval. The council is comprised of: nine locally-elected officials from coastal communities who are appointed by the governor; six state agency cabinet officials; and the Director of the Division of Governmental Coordination (DGC) in the Office of the Governor.

Coastal Resource District - any local or regional jurisdiction in Alaska, as listed below, which contains a portion of the coastal area of the state. (These areas are also referred to as coastal districts or districts):

(A) unified municipalities established under AS 29.68.240 - 29.68.440;

(B) organized boroughs of any class which exercise planning and zoning authority;

(C) home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;

(D) second class cities of the unorganized borough, or within boroughs which do not exercise planning and zoning authority, which have established a planning commission, and which, in the opinion of the Commissioner of the Department of Community and Regional Affairs have the capability of preparing and implementing a comprehensive district coastal management program under AS 46.40.030;

(E) coastal resource service areas established and organized under AS 29.03.020 and 46.40.110 - 46.40.180.

Coastal Resource Service Areas (CRSAs) - a special organization that may be formed in the unorganized borough for coastal management planning purposes. Residents of a region vote on whether to form a CRSA, and then elect a seven-member board from the region to govern the CRSA.

Coastal water - all water bodies in the coastal area, including wetlands and the intertidal area.

Conclusive consistency determination - see determination.

Consistency - compliance with the standards of the ACMP, including the enforceable policies of an approved coastal resource district program.

A project must be consistent with both the ACMP and the approved local district coastal management program in order for it to receive local, state, and federal permits that will allow the project to be conducted.

Consistency determination - see determination.

Coordinating agency - the agency responsible for coordinating and facilitating the review and rendering the consistency determination required by 6 AAC 50.

There are four agencies which may coordinate consistency reviews: DGC, DEC, DNR, and DFG.

Council - State of Alaska Coastal Policy Council.

DCRA - State of Alaska Department of Community and Regional Affairs.

DEC - State of Alaska Department of Environmental Conservation.

DFG - State of Alaska Department of Fish and Game.

DGC - Division of Governmental Coordination within the Office of Management and Budget in Office of the Governor of the State of Alaska.

DNR - State of Alaska Department of Natural Resources.

DOT&PF - State of Alaska Department of Transportation and Public Facilities.

Determination, consistency determination, or conclusive consistency determination -

(A) a document issued by the coordinating agency containing a brief description of the project, and the findings of the consistency

review together with any stipulations, conditions, or modifications to the project which must be attached to the applicable permits, and a brief justification for those necessary modifications, conditions, or stipulations, and includes

(B) a response to a consistency certification or determination required or authorized under the CZMA.

Consistency determinations are issued after review of a project is complete.

Direct and significant impact - an effect of a project which will likely contribute or lead to a significant change in or alteration of the natural, social, cultural, or economic characteristics of a coastal resource district.

Disposal of interest in state land - the sale, lease, or other disposition of state-owned or state-managed land or resources by the Department of Natural Resources of the State of Alaska.

District - see coastal resource district.

District Coordinator - see Coastal Coordinator.

District program - a district coastal management program.

Due deference - that deference which is appropriate in the context of the commenter's expertise and area of responsibility, and all the evidence available to support any factual assertions (6 AAC 50.120(a)).

Effective Date - the date that a district program becomes effective and is implemented; also refers to the date that a particular piece of legislation become law.

EPA - United States Environmental Protection Agency.

Elevation - the process of bringing controversial issues identified in a coastal project consistency review to a higher level within the state resource agencies for discussion and decision. Projects are "elevated" from the agency staff level to directors, and then to commissioners.

Estuary - a semi-enclosed coastal body of water which has a free connection with the sea and within which seawater is measurably diluted with freshwater derived from land drainage.

Emergency Expedited Review - if, due to an emergency as described in AS 26.23 or AS 46.04.080 or other applicable law, an applicant needs an expedited agency permit or consistency review, or if the head of the coordinating agency finds that an expedited review is necessary for the preservation of the public peace, health, safety, or general welfare, the head of the coordinating agency may modify the review process as necessary to meet the emergency. Any modifications in the review process must be made in writing by the head of the coordinating agency, based upon clear and convincing evidence of a need for the modifications.

Expedited Review - when a proposed activity does not need to be individually reviewed by a local district and state agencies because it is categorically consistent or has received general concurrence.

Exposed high-energy coasts - open and unprotected sections of coastline with exposure to ocean-generated wave impacts and usually characterized by coarse sand, gravel, boulder beaches, and well-mixed coastal water.

Facilities related to commercial fishing and seafood processing - includes hatcheries and related facilities, seafood processing plants and support facilities, marine industrial and commercial facilities, and aquaculture facilities.

Feasible and prudent - consistent with sound engineering practice and not causing environmental, social, or economic problems that outweigh the public benefit from compliance with the standard.

FWS - United States Fish and Wildlife Service.

General Concurrence - a consistency determination for a type of project which includes only routine activities, and which can be effectively made consistent with the Alaska Coastal Management Program by imposing standard stipulations on the applicable permit. These projects are listed on the "B" list.

Geophysical hazard areas - areas which present a threat to life or property from geophysical or geological hazards, including flooding, tsunami run-up, storm surge run-up, landslides, snowslides, faults, ice hazards, erosion, and littoral beach process.

Habitat - land or water which supports fish, wildlife, or their foods.

Including - including but not limited to.

Islands - bodies of land surrounded by water on all sides; interior portions of major island may be excluded from the coastal area if uses of these islands do not cause direct and significant impacts on coastal water.

Maintenance, restoration, and enhancement of habitat - maintenance means insuring that the abundance, distribution, and diversity of fish and wildlife populations and their habitats remain within the existing range of natural fluctuations. Restoration means increasing fish or wildlife populations or their habitats artificially to allow full use of available resources with the intent that the increased population levels will be self-sustaining. Enhancement means supplementing numbers of a fish or wildlife population or physically or chemically altering the habitat to a productivity level above what can be sustained naturally by the existing environment.

Major energy facility - includes marine service bases and storage depots, pipelines and rights-of-way, drilling rigs and platforms, petroleum or coal separation, treatment, or storage facilities, liquid natural gas plants and terminals, oil terminals and other port development for the transfer of energy products, petrochemical plants, refineries and associated facilities, hydroelectric projects, other electric generating plants, transmission lines, minimum enrichment or nuclear fuel processing facilities, and geothermal facilities; "major energy facility," means a development of more than local concern carried out in, or in close proximity to, the coastal area, which meets one or more of the following criteria:

(A) a facility required to support energy operations for exploration or production purposes;

(B) a facility used to produce, convert, process, or store energy resources or marketable products;

(C) a facility used to transfer, transport, import, or export energy resources or marketable products;

(D) a facility used for in-state energy use; or

(E) a facility used primarily for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in (A) - (D) of this paragraph.

Marine coastal water - water adjacent to shorelines which contains a measurable quantity of seawater, including sounds, bays, lagoons, bayous, ponds, and estuaries, and the living resources which are dependent on these bodies of water.

Maximum extent practicable - the requirement for federal government activities, including development projects directly affecting the coastal zone of Alaska, to be fully consistent with the Alaska Coastal Management Program unless such compliance would violate another federal law (15 CFR 930.32(a)).

Mining and mineral processing - the development of mineral resources extracted in tidal rivers, coastal water, and on continental shelves of the open sea, and found in surface, subsurface, and aqueous deposits.

NMFS - National Marine Fisheries Service.

NPDES - National Pollution Discharge Elimination System; relating to permits issued by the EPA.

OCS - Outer Continental Shelf.

OMB - Office of Management and Budget in the Office of the Governor.

Offshore areas - submerged lands and waters seaward of the coastline.

PROFS - professional office systems; the computerized communications network used by DGC, resource agencies, and districts.

Permit - a permit, lease, authorization, license or any other determination necessary for completion of a project or a discrete phase of a project.

Project - an activity or use which will be located in or may affect the coastal zone of Alaska and which is subject to consistency review under Sec. 307 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. S1456), or which requires the issuance of one or more state permits; when a land or water activity is developed or authorized in discrete phases, and each phase requires agency decisions regarding permits, each phase is considered a "project."

Resource agency - the Alaska Department of Environmental Conservation, or the Department of Fish and Game, or the Alaska Department of Natural Resources.

Review or consistency review - the evaluation of a project against the ACMP standards and approved district coastal management program.

Rocky islands and seacliffs - islands of volcanic or tectonic origin with rocky shores and steep faces, offshore rocks, capes, and steep rocky seafronts.

Saltwater wetlands - see wetlands.

Significant amendment - an amendment to an approved district program which

(A) results in a major revision, addition or deletion to the policies or implementation methods or authorities included in the district program under 6 AAC 85.090 and 6 AAC 85.100;

(B) alters the district boundaries, other than by technical adjustments;

(C) designates an area which merits special attention or alters an existing area which merits special attention designation; or

(D) restricts or excludes a use of state concern not previously restricted or excluded.

Stipulations - requirements placed on a development that are incorporated into a state or federal permit to mitigate or reduce the development impacts.

Tideflats - mostly unvegetated areas that are alternately exposed and inundated by the falling and rising of the tide.

Transitional and intertidal areas - areas subject to periodic or occasional inundation by tides, including coastal floodplains, storm surge areas, tsunami and hurricane zones, and washover channels.

Transportation and utility routes and facilities - includes power transmission lines, mineral slurry lines, oil and gas pipelines, land and marine corridors, railways, highways, roadways, air terminals, water and sewage transfer, and facilities required to operate and maintain the route or facility.

Upland - drainages, aquifers, and land, the use of which would have a direct and significant impact on coastal water.

Use of direct and significant impact - a use, or an activity associated with the use, which proximately contributes to a material change or alteration in the natural or social characteristics of a part of the state's coastal area and in which

(A) the use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;

(B) the use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or

(C) the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect.

Uses of State Concern - those land and water uses which would significantly affect the long-term public interest; these uses, subject to council definition of their extent, include:

(A) uses of national interest, including the use of resources for the siting of ports and major facilities which contribute to meeting national energy needs, construction and maintenance of navigational facilities and systems, resource development of federal land, and national defense and related security facilities that are dependent upon coastal locations;

(B) uses of more than local concern, including those land and water uses which confer significant environmental, social, cultural, or economic benefits or burdens beyond a single coastal resource district;

(C) the siting of major energy facilities, activities pursuant to a state oil and gas lease, or large-scale industrial or commercial development activities which are dependent on a coastal location and which, because of their magnitude or the magnitude of their effect on the economy of the state or the surrounding area, are reasonably likely to present issues of more than local significance;

(D) facilities serving statewide or interregional transportation and communication needs; and

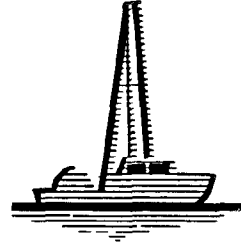
(E) uses in areas established as state parks or recreational areas under AS 41.21 or as state game refuges, game sanctuaries or critical habitat areas under AS 16.20 (paragraph 4 CH 84 SLA 1977; and paragraph 3 CH 129 SLA 1978).

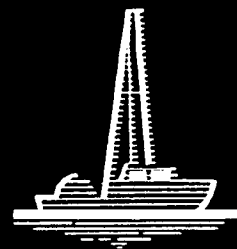
Village - an unincorporated community where at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs (S4 CH 84 SLA 1977).

Water-dependent - a use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body.

Water-related - a use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water-dependence and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

Wetlands - includes both freshwater and saltwater wetlands. "Freshwater wetlands" means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding three meters in depth. "Saltwater wetlands" means those coastal areas along sheltered shorelines characterized by holophytic hydrophytes and macroalgae extending from extreme low tide to an area above extreme high tide which is influenced by sea spray or tidally-induced water table changes.





Appendix A

Classification of State Agency Approvals Under 6 AAC 50 (Expedited Review Lists)

Classification of State Agency Approvals
under 6 AAC 50.050

Project Consistency with the
Alaska Coastal Management Program

Office of Management and Budget
Division of Governmental Coordination
State of Alaska

Part A. CATEGORICALLY CONSISTENT APPROVALS

10/1/84

Activities authorized by the following approvals do not have a significant impact on the coastal area as defined by the Alaska Coastal Management Act and will not be affected by the review procedures described in 6 AAC 50. For example, if a project requires only the following approvals, applicants do not need to fill out a coastal project questionnaire. However, applicants must still apply to the appropriate agency to get their authorization.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Air Quality Control	AS 46.03.020	18 AAC 15
Permit to Open Burn	AS 46.03.710	18 AAC 50
		18 AAC 60
		18 AAC 75
Plan Review and Approval	AS 46.03.020	
of Sewerage or Sewage	AS 46.03.090	18 AAC 15
Treatment Works	AS 46.03.720	18 AAC 72
Plan Review and Approval	AS 46.03.020	18 AAC 15
of Public Water Systems	AS 46.02.720	18 AAC 80
Delegation of Subdivision		
Plan Review		18 AAC 72.068
Certification of Water		
Supply Systems and Waste-		
water Systems		18 AAC 74.120
Variance for Maximum Con-		
taminant Concentrations		
in Public Water System		18 AAC 80.110(a)
Certification Required	AS 46.03.020(10)(A)	
for Purchase or Use of	AS 46.02.020(10)(G)	
Restricted-Use Pesticides	AS 46.03.320	18 AAC 90.010
Permit for Milk and Milk	AS 03.04.020(5)(b)	
Products, Processors,		
Milk Producers, Frozen		
Dessert Manufacturers		
and Associated Operations		
Certificate and Permit to	AS 03.05.010(f)	18 AAC 34
Operate a Seafood	(3)(7)	18 AAC 34
Processing Plant		
Importation of Veterinary	AS 03.05.010(c)	11 AAC 38.200
Biologics		11 AAC 38.210
Slaughterhouse Operation	AS 03.05.020(1)	
Inspection Permit	AS 03.05.040	11 AAC 36
Plan Reviews and Health		
Inspections of Public	AS 17.20.230-270	
Establishments	AS 18.05.040	18 AAC 30

Food Service Permit	AS 18.05.040(9)	18 AAC 34
Swimming Pool Plan Approval	AS 18.05.040(a)	18 AAC 34
Importation of Animals	AS 03.05.020(1)&(4) AS 03.45.010 & 060	11 AAC 38.005-300
Discharge or Recycling of Ionizing Low Level Radiation Source	AS 46.03.020 AS 46.03.260	18 AAC 85.280
Oil Discharge Contingency Plans for Vessels (Tankers and Barges)	AS 46.04.030	

DEPARTMENT OF FISH AND GAME

Game Sanctuary Entry Permit	AS 16.20.120-170	
Falconry Permit	AS 16.05.255	
Scientific and Educational Collecting Permits	AS 16.05.930	
Fish and Egg Transport Permit		5 AAC 41
Game Bird Shooting Preserve Permit		5 AAC 81.040(a)
Oyster Import Permit		5 AAC 38.065
Anadromous Stream permit for water withdrawals of less than 5000 gallons in a single day or less than 1000 gallons per day for more than one day, except from known fish overwintering areas	AS 16.05.870	

DEPARTMENT OF NATURAL RESOURCES

° DISPOSALS

Division of Land and Water Management

Gravel sales from previously approved upland sources	AS 38.05.110-120	11 AAC 71
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10/1/84

Water use permits for: AS 46.15 11 AAC 93

1. water withdrawals of less than 5000 gallons/day from wells located outside the North Slope
2. water withdrawals from wells on the North Slope
3. water withdrawals from lakes and streams for less than 1000 gallons/day, except from known fish overwintering areas
4. water withdrawals from pothole lakes located between the Colville and Canning Rivers on the North Slope which are less than six feet in depth and have no inlet or outlet.
5. water withdrawals from excavated gravel pits now used as water reservoirs.

Leases for shore fisheries development AS 38.05.082 11 AAC 64.010-570

Division of Forestry

Timber sales of 10 acres or less in spruce-hemlock coastal forests; 40 acres or less in Interior forests south of the Alaska Range; and 160 acres or less north of the Alaska Range AS 38.05.110-120 11 AAC 76.005-205

° PERMITS AND OTHER APPROVALS

Division of Land and Water Management

Temporary water use permits for: AS 46.15.150 11 AAC 93

1. water withdrawals from streams and lakes for less than 5000 gallons in a single day or less than 1000 gallons per day for more than one, day except from fish overwintering areas

2. water withdrawals from pothole lakes located between the Colville and Canning Rivers on the North Slope which are less than six feet in depth and have no inlet or outlet
3. water withdrawals from excavated gravel pits now used as water reservoirs
4. water withdrawals from wells on the North Slope

Limited personal use permits	AS 38.05.330	
Trapping cabin construction permits	AS 38.95.080	11 AAC 94.010-.410
Remote cabin permits in areas that have been opened for remote cabins	AS 38.05.079	11 AAC 67
Dam safety permits	AS 46.150.080 AS 46.15.100 AS 46.15.180	11 AAC 93
General land use permits for the temporary storage of vehicles at locations not in river floodplains or wetlands.	AS 38.05.330	

Division of Forestry

Burning permit	AS 41.15.060	11 AAC 95.400-.490
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Division of Parks

Permit for special events in a State park	AS 41.20.040	11 AAC 12.040
Permit to assemble over 20 people in a State park	AS 41.20.040	11 AAC 12.160
Permit for the investigation or removal of historic or archeological resources	AS 41.35.040 AS 41.35.080	11 AAC 16.030-.080

10/1/84
12/31/84
(revised)

Authorization to use
fireworks in a state
park

AS 41.20.040

11 AAC 12.190

Division of Oil and Gas

Assignment of mineral
interests

AS 38.05.145

11 AAC 82.605-.603

AS 38.05.270

11 AAC 84.165

AS 38.05.340

Division of Mining

Assignment of mineral
interests

AS 38.05.270

11 AAC 82.605-.630

Alaska Surface Coal
Mining Control and
Reclamation Act
Notice of Intent
to Explore

AS 27.21.030

11 AAC 90.161

AS 27.21.200

Production licenses
to authorize commercial
production from mining
claims

AS 38.05.207

11 AAC 86.700-750

10/1/84
12/31/84
(revised)
4/1/85
(revised)

Part B. GENERAL CONCURRENCE

General concurrence determinations are consistency determinations for types of projects which are routine in nature and can be effectively made consistent with the Alaska Coastal Management Program (ACMP) by imposing standard stipulations on the applicable authorizations. Therefore, if a project fits the description for a general concurrence determination, it is judged consistent with the ACMP if the standard stipulations are complied with. Applicants must still obtain the authorizations from the appropriate agencies and follow any conditions and regulatory provisions incorporated into those permits.

Section 1. PREVIOUSLY AUTHORIZED GENERAL CONCURRENCES

Corps of Engineers (COE) nationwide permits for 23 categories of activities as certified in 1984:

unconditionally certified 1, 2, 4, 5, 7, 10, 11, 15, 16, 17, 20
conditionally certified 3, 6, 8, 9, 12, 13, 14, 18, 19, 21, 22, 23

Environmental Protection Agency (EPA), General NPDES permits for exploratory oil and gas operations on the OCS:

Norton Sound AK G 28-1000
Beaufort Sea AK G 28-2000

EPA General permits for floating and small shore based seafood processors AK G 52-0000 (these replace DEC general waste water permits 84-JA and 84-JD)

COE Bethel General Permit GP 83-4

COE Anchorage General Permits GP 83-1, 83-2

COE City and Borough of Sitka General Permits GP 81-17, 18, 19, 20, 21

COE Abbreviated Processing Procedures, North Slope APP 83-1

COE Bristol Bay Housing Region General Permit GP 81-9

COE Arctic Slope Housing Region General Permit GP 83-8

COE NANA Housing Region General Permit GP 81-5

COE Bering Straits Housing Region General Permit GP 83-9

COE AVCP Housing Region General Permit GP 83-10

12/31/84
4/1/85
(revised)

Section. 2 GENERAL CONCURRENCE DETERMINATIONS

General Concurrences in effect as of December 31, 1984. Text and conditions for each concurrence on the pages following the list:

- 84-GC-1 Recreational Placer Mining
- 84-GC-2 Temporary Loading and Unloading
- 84-GC-3 Temporary Navigation Sites
- 84-GC-4 Stream Gages
- 84-GC-6 Equipment Crossing
- 84-GC-7 Instream Activity for Habitat Improvement
- 84-GC-9 Personal Use Cabins
- 84-GC-10 Abandoned Timber Salvage
- 84-GC-11 Surface Oiling of Roads
- 84-GC-12 Oil Discharge for Scientific Purposes
- 84-GC-13 Non PSD Air Quality Emissions
- 84-GC-14 Pesticide Application
- 84-GC-15 Fur Farming

General Concurrences in effect as of April 1, 1985. Text and conditions for each concurrence on the pages following the list:

- 85-GC-16 On-Site Sewage Disposal
- 85-GC-17 Sewer Hookups
- 85-GC-18 Temporary Grazing
- 85-GC-19 Cross Country Movement of Equipment in Winter
- 85-GC-20 Access Across State Park Lands
- 85-GC-21 State Park-Related Facilities
- 85-GC-22 Incompatible State Park Uses
- 85-GC-23 Temporary Camps

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Recreational placer mining (for non-claim situations) for suction dredges with nozzles less than six inches in diameter and less than 16 HP in anadromous fish streams, where access is by existing road or by boat.

Authority: AS 16.05.870.

Permit: Anadromous Fish Stream Permit (DFG).

Region: Statewide

STANDARD CONDITIONS:

1. Stream banks shall not be mined or otherwise disturbed. All dredging shall be conducted within the limits of the existing wetted perimeter (water level).
2. Suction dredges shall not be used as hydraulic monitors to wash soils or other materials from above the water surface.
3. Winches shall not be used instream to move boulders, logs, and other natural obstructions which provide fish habitat and which are too large to be moved by hand.
4. No wheeled or tracked equipment shall be used instream.
5. No damming or diversions of anadromous streams are permitted unless specifically authorized by the Alaska Department of Fish and Game.

12/31/84

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December of 1985.

DESCRIPTION OF THE ACTIVITY:

Temporary (1 year or less) loading and off-loading of equipment and supplies on State tide and/or shorelands, not requiring fill or construction of facilities.

Authority: AS 38.05.850.

Permit: Land Use Permit (DNR).

Certificate of Reasonable Assurance Waiver of U.S. Army Corps of Engineers Section 10 permit (DEC).

Region: Statewide, except in critical habitat areas, refuges, sanctuaries, and anadromous fish streams.

STANDARD CONDITIONS:

1. Groundings, if necessitated, shall be limited to periods of high water so as to minimize disturbance to the shorelands.
2. Erosion, compaction and/or alteration to streambanks or shorelands shall be avoided.
3. Should disturbance occur, the area shall be restored to its natural contours.
4. All activities shall be conducted in a manner that will minimize disturbance to fish and wildlife resources.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December of 1985.

DESCRIPTION OF THE ACTIVITY:

Construction and maintenance of temporary navigation sites, (less than one year). Typical operation is the placement of radio or microwave towers and repeaters. Site preparation may include some brushing or timber removal. Towers are normally surveyed using stakes as anchors. Power is usually supplied by propane in combination with storage batteries. Maintenance consists of refueling every two or three months or electronic adjustment or repair as needed.

Authority: AS 38.05.850.
40 CFR 112.7(2)

Permit: Land Use Permit (DNR).

Region: Statewide except in critical habitat areas, refuges, and sanctuaries.

STANDARD CONDITIONS:

1. Operations shall be conducted in such a manner that the vegetative mat is not disturbed. Clearing of brush and timber must be kept to the minimum necessary to utilize the site.
2. Fuel storage facilities shall not be placed within 100 feet of water bodies and must be within an impermeable diked area of 110 percent capacity of the largest independent fuel container. Manifolded tanks or bladders must be considered as a container.
3. All hazardous material containers and fuel drums shall be marked with the contractor's name, dated, and transported consistent with 49 CFR 172 (EPA Hazardous Material Regulations.)

12/31/84

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Placement and maintenance of stream gages, except in anadromous fish streams.

Authority: AS 38.05.850.

Permit: Land Use Permit (DNR).
Nationwide Permit 5 (COE)

Region: Statewide

STANDARD CONDITIONS:

Alteration of the banks or channels of a watercourse is prohibited.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Equipment crossing streams for vehicles less than 5000 pounds at established or traditional sites.

Authority: AS 16.05.870.

Permit: Anadromous Fish Stream Permit (DFG).

Region: Statewide

STANDARD CONDITIONS:

1. Stream crossings shall be made directly from bank to bank in a direction substantially perpendicular to the stream flow.
2. Stream crossings shall be made only at locations with gradually sloping banks. There shall be no crossings at locations with sheer or cut banks.
3. Stream banks shall not be altered to facilitate crossings or disturbed in any way. If stream banks are inadvertently disturbed, they shall be immediately stabilized to prevent erosion.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Minor instream work to improve fish habitat or instream activity required by the Department of Fish and Game.

Authority: AS 16.05.840 and .870; AS 38.05.850.

Permits: Anadromous Fish Stream Permit (DFG).
Land Use Permit (DNR).
Nationwide Permit (COE)

Region: Statewide

- Procedure: 1. The Alaska Department of Fish and Game shall be notified of all proposals to improve fish habitat.
2. The Alaska Department of Fish and Game will determine whether the proposed activity or required mitigation activity will improve fish habitat and can be accomplished in a manner that protects existing fish and wildlife habitat values.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Personal Use Cabins.

The Department of Natural Resources will be permitting limited use of existing cabins on State land. Permits may be issued if continued use of the cabin does not conflict with the public interest. Permits may be issued for up to 6 years and the permits are only for use of a cabin, they do not convey any interest in land.

Authority: 11 AAC 65.050.

Permit: Personal Use Cabin Permit (DNR).

Region: Statewide

- Procedures:
1. May include site specific conditions of use, such as seasonal use restrictions determined appropriate by the department and, on game refuges, and critical habitat areas, by the Department of Fish and Game;
 2. Is not valid unless signed by an authorized individual within the Department of Fish and Game if the permit for a cabin is located within a State game refuge or critical habitat area;

STANDARD CONDITIONS:

1. The permit is revocable immediately upon violation of any of its terms, conditions or stipulations, upon non-payment of fees, or upon failure to comply with any other applicable statutes and regulations.
2. The permit is not transferable or assignable.
3. No additions to or enlargements of the cabin are allowed, except for routine maintenance and upkeep.
4. All garbage and foreign debris brought into, or placed on the cabin site must be removed by the permittee unless otherwise authorized by the director.
5. If the cabin is destroyed or damaged beyond repair, rebuilding the structure is not authorized without prior written approval of the director; this approval may not be unreasonably withheld.
6. The cabin may not be used for a commercial activity or as a permanent residence.
7. No new road or trail across State land is authorized under the permit, and access must be consistent with the provisions of 11 AAC 96.
8. No restriction or interference with public access to or across State land is allowed.
9. The permit does not relieve the permittee of the responsibility of securing other necessary State, federal, or local permits or authorizations; and

(continued)

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10. The department reserves the right to require measures to mitigate disruptions to public use of the area, and to fish and wildlife populations and their habitats, which may be created by the permittee, or occur as a direct result of the permittee's failure to comply with the terms of the permit or any applicable law.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December 1985.

DESCRIPTION OF THE ACTIVITY:

Salvage of abandoned timber property (beach logs) from the waters and tidelands of the State.

The timber industry in Alaska has moved logs from the forest to the mill via log rafts and barges since logging first began. Transported logs being continually lost due to weather, rough seas, and other misfortunes causing a considerable volume to become abandoned on the waters and beaches of the State. The abandoned logs would become wasted resource and a hazard to navigation, if they were left abandoned. The State, in cooperation with the U.S. Forest Service, administers a beach log salvage program to allow licensed salvagers to recover abandoned logs.

Authority: 11 AAC 71.400; AS 45.50.235(b) (DNR).

Permit: Log Salvage License.

Region: Statewide

STANDARD CONDITIONS:

1. Salvage operations under this license must be conducted so as to avoid damage to streams or other water areas and adjacent upland. Timber may not be skidded in or across anadromous fish streams. All operations shall be conducted so as to avoid stream silting, interference with the passage of fish, or injury to the spawning grounds in compliance with AS 16.05.870.
2. During actual operations on the waters, beaches, and tidelands of the State, the purchaser:
 - a. will not drag or skid logs across estuarine tidal flats;
 - b. will not allow logs to ground at any tidal stage during storage;
 - c. will not be allowed to salvage logs within 200 feet of the mouth of a DFG designated anadromous fish stream;
 - d. will not salvage logs from tidal flats which border on tidal marshes or tidal meadows; and
 - e. will not be allowed to operate within the navigable portions of any streams or rivers.
3. No A-frames, skidders, or other beached equipment shall be used in conjunction with the license without first being authorized in writing by the Forester-in-Charge and properly bonded.
4. The operator will not log across canoe landings, fish weirs, or petroglyphs. If such sites are found, the operator will report the locations to the State Forester.
5. No salvage is permitted within 330 feet of eagle nest trees delineated on the sale area map.
6. This permit does not authorize the construction of log transfer facilities, or the salvage of logs within portions of streams containing anadromous fish.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Surface Oiling of Roads.

This activity covers the limited application of oil, asphalt, bitumen or a residuary product of petroleum on the road system of the State for dust control during summer periods. A surface oiling permit is required from DEC. The permit is issued on an annual basis. The application for DEC permit must include analytical testing results of the oil to be applied to ensure no contaminants will be applied.

Authority: As 46.03.020, AS 46.03.740; 18 AAC 15, 18 AAC 75.

Permits: Surface oiling permit (DEC).

Region: Statewide

STANDARD CONDITIONS:

1. Permittee shall observe the general stipulations and constraints in Surface Oiling Regulation 18 AAC 75.050.
2. The applicant has conducted all required chemical analyses outlined in the DEC Surface Oiling Permit Application.
3. Application does not result in any oil to pool or run off.
4. The amount of oil applied to the areas described shall be consistent with the application, and a single application shall not exceed 0.15 gallons of oil per square yard. The maximum total amount of oil applied under this permit shall not exceed 0.3 gallons of oil per square yard. Note: Application rate of 0.15 gallons per square yard is equivalent to 2500 gallons per mile, assuming a 28 foot wide road.
5. Oil should be graded or scarified into the road.
6. The permittee shall not apply oil to the road surface within 3 feet of the edge of either side of the road and all oil shall be deposited at least 100 feet from any waters unless a greater distance is required by the Department of Environmental Conservation.
7. The permittee shall handle all waste oil products with reasonable care and shall take all precautionary measures in handling petroleum products on or near State waters. Proper cleanup equipment and absorbents should be available.
8. Records of surface oiling must be kept on the enclosed form and must be provided to the issuing office of the department within 14 days after the expiration of this permit. These records shall include: source of the oil used, length and width of surface actually oiled, location and date of oiling, oil volume used, and road miles oiled.

9. Dust retardants allowed for application under the terms of this permit are asphalt, asphalt emulsions, cutback asphalts, asphaltic oils, bituminous treatments, and the following petroleum products: crude oil, hydraulic fluids, waste lubricating oil, and emulsified oil mixtures containing these products.
10. The application of dust retardants containing any detectable concentration of polychlorinated biphenyls (PCBs), 5000 parts per million (by weight) or more of halogenated volatile organics, or any listed hazardous waste regulated by the U.S. Environmental Protection Agency under the Resource Conservation and Recovery Act as Amended 1980 (see 40 CFR part 261) is prohibited.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Oil Discharge for Scientific Study Purposes.

The controlled application of less than 100 gallons of oil onto waters and lands of the State for experimental purposes has occasionally been permitted by the Department of Environmental Conservation. Only small quantities are authorized with rigid containment requirements. Application to tundra vegetation and ponds are examples. Knowledge gained from small scale field studies is used to design more effective response actions in the event of a large oil spill, including rehabilitation techniques.

Authority: AS 46.03.020, AS 46.03.740; 18 AAC 15, 18 AAC 75.

Permit: Oil Discharge Permit for Scientific Purposes (DEC).

Region: Statewide, except in critical habitat areas, refuges, sanctuaries and anadromous fish streams.

Procedure: Locations for proposed oil discharge will be approved in consultation with DFG.

STANDARD CONDITIONS:

1. An accurate accounting of the amounts of oil not recaptured during the testing and a final synopsis of the results of the test shall be reported to the Department of Environmental Conservation.
2. The applicant shall share the results of the scientific test with other interested parties.
3. The activity shall be conducted as detailed in the application.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Air Quality Emissions from Facilities not requiring Prevention of Significant Deterioration (PSD) permits.

Any stationary facility emitting air contaminants in the State of Alaska must obtain a permit from the Department of Environmental Conservation authorizing the location, total emissions, and any changes in emissions. Permits are issued for up to 5 years on a case-by-case basis. Only existing sources are covered under this general concurrence. New sources (and amendments to existing sources which increase emissions) require a PSD permit and an individual consistency review, i.e., they are not covered under this general concurrence designation.

Authority: AS 46.03.010 - 170; 18 AAC 15, 18 AAC 50.

Permit: Air quality control permit to operate (DEC).

Region: Statewide

STANDARD CONDITIONS:

1. Permittee shall comply with the Ambient Air Quality Standards and increments set by State Air Quality Control Regulations 18 AAC 50.020 and applicable emission limitations set by 18 AAC 50.050.
2. Air Contaminant Emission Reports shall be submitted to the Department of Environmental Conservation's (DEC) Regional Office, by the 30th of January, April, July, and October of each year.
3. Permittee shall maintain and operate all fuel burning equipment, emission control devices, testing equipment and monitoring equipment to provide optimum air quality control during all operating periods. Sources of fugitive dust (holes in ducts, shrouds, conveyors, malfunctioning equipment) shall be promptly repaired.
4. Permittee shall notify the DEC District Office by telephone when equipment failures or operations conditions occur which increase air contaminant emissions. The permittee shall report the expected duration, nature of occurrence, and steps taken to minimize emissions and avoid recurrence. A preliminary report shall be submitted to the District Manager within five working days of the incident.
5. Continuous monitors as deemed necessary shall be installed, maintained, and operated in accordance with 18 AAC 50.520 to measure air contaminant emissions concentrations. If any continuous monitor is malfunctioning or non-operable three or more consecutive days, permittee shall notify the Regional Office of DEC the fourth day indicating the cause of failure and anticipated time required to repair the instrument.
6. Source tests as deemed necessary shall be performed in accordance with 18 AAC 50.500 within 60 days after reaching normal operating capacity but not later than 180 days after initial startup of the applicable source. Tests will be performed while source is operating at maximum rated capacity. Results of the tests are due to the DEC thirty (30) days after the test has been performed. Prior notification to and approval by the Department of the conditions of each test is required. Additional tests may be required if necessary to ascertain compliance with applicable standards.

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7. Permittee shall maintain test results, monitoring instrument recorder charts and other applicable data in an active file for not less than one year, and have then accessible on request to the DEC for not less than three years.
8. The Department's representative, with permittee's approval, is allowed access to permittee's facilities to conduct inspections or tests to determine compliance with this permit and State environmental laws and regulations.
9. A copy of the permit shall be clearly displayed and the State Air Quality Control Regulations 18 AAC 50 kept on file at the permitted facility location.
10. Solid residues shall be disposed of in a solid waste disposal site approved by the DEC in accordance with 18 AAC 60.200.
11. Nondomestic wastewater shall be disposed of in a manner consistent with 18 AAC 72.210-280.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Pesticide Application

This activity covers surface and aerial application of EPA registered pesticides (insecticide, herbicide, rodenticide, fungicide) to private or public lands consistent with conditions below. DEC issues the permit. Requirements for DEC public notice and/or public hearings are not affected by this general concurrence designation. Formulation, acreage to be treated, location, dates and time of application, method of application, disposal techniques, and precautions taken to protect public health, safety and environment and required to be stated in the application to DEC.

Authority: AS 46.03.320; 18 AAC 15, 18 AAC 90.010.

Permits: Permit to Apply Pesticides (DEC).

Region: Statewide

Procedure: Proposals will be reviewed by DFG.

STANDARD CONDITIONS:

1. Pesticides shall be applied using properly calibrated equipment in strict compliance with the general safety precautions and instructions given on the pesticide label.
2. Pesticide sprays shall not be applied directly to lakes and other waterbodies.
3. Pesticides shall not be sprayed outdoors when wind speeds exceed 7 miles per hours.
4. If aerial spraying is conducted, bee keepers in the area should be notified by phone or in person at least 12 hours before spraying.
5. Records of control operations shall be maintained and available to the Department of Environmental Conservation upon request. These records shall contain the reason for spraying, method and time of application, duration of treatment, and the quantity of the pesticide used.
6. Empty pesticide containers shall be triple rinsed, made unusable and buried in an approved city or borough landfill, unless State laws or regulations dictate their shipment to out-of-state facilities.
7. The Permittee shall report any spill or accident, alleged accident or complaint to the Department of Environmental Conservation regional office within twenty-four hours of its occurrence.
8. All pesticides classified by the Environmental Protection Agency as restricted use pesticides shall be applied only by a person certified by the department to use such pesticides or by a person "under the direct control" of the person certified.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies at the end of that time.

DESCRIPTION OF THE ACTIVITY:

Fur Farming

This activity involves the business of propagating, raising, or producing fur animals in captivity for the purposes of marketing the fur products. A permit must be obtained from the State Veterinarian of DEC. DEC is authorized to establish hygienic, pest control and safety standards, inspect the premises and develop regulations consistent with this function; DFG (Board of Game) controls the sale of breed stock and has animal collecting permit authority; Revenue collects the license fee.

Authority: AS 03.05.010(c) - 011 (DEC); AS 16.05.255 (DFG), 5 AAC 81.130, AS 38.05.070 if on State land (DNR); AS 16.05.330(a) Revenue; AS 16.05.340.b (DFG)

Permits/Licenses: Permit for collection of wild stock; fur farm business license; permit to operate a fur farm (DEC).

Region: Statewide

Procedure: Proposed operations will be reviewed by DFG.

STANDARD CONDITIONS:

1. Fur farm operations shall comply with the Federal Animal Welfare Act relating to humane treatment of animals.
2. Animals shall be cared for, caged, and fed according the DEC veterinarian requirements.
3. Fur farm operations shall not result in the contamination of surface waters.
4. Fur farms must be enclosed with a perimeter fence.
5. Operations shall be conducted in a hygienic and safe manner in accordance with standards established by DEC.
6. Inspection of fur farm facilities will comply with the terms of the recent MOU on the timing of inspections to avoid the mating or whelping season.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Subdivision plan for on-site sewage disposal in non wetland areas. Each lot of a subdivision proposed for on lot sewage disposal may typically contain at least 20,000 contiguous square feet of soils suitable for on-site sewage disposal systems. This concurrence only covers your plan for sewage disposal and does not imply the granting of any additional authorizations nor obligate any State, federal, or local regulatory body to grant required authorizations needed to develop a subdivision. Applicants are required to obtain all other necessary authorizations before proceeding with their project.

Authority: AS 46.03., 18 AAC 72.065

Permit: Subdivision Plan Approval (DEC)

Region: Statewide

STANDARD CONDITIONS:

1. On-site wastewater disposal systems shall comply with the requirements of 18 AAC 72 and 18 AAC 80.
2. The final subdivision plat will have to be signed by ADEC before it can be recorded, unless waived.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Subdivision plan for sewer hookups to community sewer systems. This concurrence only establishes that the sewer system meets engineering requirements specified in 18 AAC 72 and does not imply the granting of any additional authorizations nor obligate any State, federal, or local regulatory body to grant authorizations. If this development will require placing fill in wetlands or working in a stream, river, or lake, permits from the U.S. Army Corps of Engineers and the Alaska Department of Fish and Game may be required. Applicants are required to obtain all other necessary authorizations before proceeding with their project.

Authority: AS 46.03, 18 AAC 72.065

Permit: Subdivision Plan Approval (DEC)
Nationwide 404 Permit Number 12 (COE)

Region: Statewide

STANDARD CONDITIONS:

1. Public sewer systems specifications shall comply with the requirements of 18 AAC 72 and 18 AAC 80.
2. The applicant must revegetate backfilled material or use alternate stabilization techniques to minimize erosion of material placed over laterals, main trunk or interceptor lines. Natural drainage must be maintained.
3. The final subdivision plat will have to be signed by ADEC before it can be recorded, unless waived.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Temporary grazing of not more than 10 health certified domesticate animals on State owned lands for a period not exceeding 1 year. No temporary or permanent improvements are allowed.

Authority: As 38.05.850

Permit: Grazing (DNR)

Region: Statewide

STANDARD CONDITIONS:

1. The Permittee shall take all reasonable precautions to prevent and suppress forest, brush and grass fires and to prevent the pollution of waters on or in the vicinity of the lands.
2. The Permittee shall not cut live timber on the premises.
3. The Permittee shall not close roads or trails or otherwise prevent overland access commonly used by the public, within the premises.
4. Fuel storage facilities shall not be placed within 100 feet of water bodies and must be within an impermeable diked area at 110 percent capacity of the largest independent fuel container. Manifolded tanks or bladders must be considered as a container. Vehicle refueling shall not occur within the annual floodplain.
5. No permanent or temporary structures including fences shall be erected or improvements made.
6. Evidence of overgrazing, excessive soil compaction, erosion and deteriorating site condition shall cause the permit to be revoked or suspended until mitigation is ensured.
7. The Permittee shall clean and restore the area to the satisfaction of the Division of Land and Water Management.
8. The animals that are grazed under this permit shall not be allowed to become feral. It is the permittee's responsibility to remove all the animals from State land when the permit expires.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

Movement of Dozers, Sleighs, tracked vehicles, and rubber tired equipment cross country during winter.

Authority: AS 38.05.850
AS 16.05.870

Permit: Land Use Permit (DNR)
Anadromous Fish Stream Permit (DFG)

Region: Northern and Southcentral

STANDARD CONDITIONS:

1. Winter cross country travel may begin when adequate snow cover and frost depth conditions exist for the activities intended as determined by an authorized field representative of the Department of Natural Resources. Certain cross country activities may begin sooner than others depending on the impact or magnitude of the operations.
2. Vehicles shall be operated in a manner such that the vegetative mat of the tundra is not disturbed and blading or removal of tundra vegetative cover is prohibited.
3. Existing roads and trails shall be used wherever possible. Trail widths shall be kept to the minimum necessary. Trail surface may be cleared of timber, brush, stumps and snags.
4. Trails and campsites must be kept clean. All solid waste including incinerator residue shall be backhauled to a solid waste disposal site approved by the Department of Environmental Conservation.
5. All oil and hazardous material spills shall be cleaned up and reported per 18 AAC 75.080. Phone Zenith 9300 to report spills.
6. Snow ramps, snow/ice bridges or cribbing approved by the DFG shall be used to provide access across frozen rivers, streams and lakes so as to preclude cutting, eroding or degrading of their banks. Alteration of the banks of water courses is prohibited.
7. Snow ramps and snow/ice bridges shall be composed only of snow or ice and shall be substantially free of soil and debris.
8. Snow/ice bridges shall be of sufficient thickness to support all vehicles. There shall be no vehicles or equipment operated within the open water of any river, stream or lake unless waived by DFG.
9. Snow/ice bridges must be removed or breached, and cribbing removed immediately after final use or prior to breakup, whichever occurs first.
10. To avoid additional freeze-down of deep water pools harboring overwintering fish, water-courses shall be crossed at shallow riffle areas from point bar to point bar. Compaction or removal of the insulating snowcover from the deep-water pool areas of rivers is prohibited.

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11. Fuel storage facilities shall not be placed within 100 feet of water bodies and must be within an impermeable diked area at 110 percent capacity of the largest independent fuel container. Manifolded tanks or bladders must be considered as a container. Vehicle refueling shall not occur within the annual floodplain.
12. Movement through willow (Salix) stands shall be avoided wherever possible.
13. Removal of water from North Slope streams is prohibited from November 1, to breakup.
14. Abandonment of vehicles is prohibited.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December of 1985.

DESCRIPTION OF THE ACTIVITY:

Access by individuals or organizations by foot, vehicle or boat to a privately-owned parcel wholly or partially within a State park unit, when there is no reasonable alternative route. This concurrence does not cover vehicle or equipment crossings of wetlands or fish streams.

Authority: AS 41.20.040
11 AAC 18.020

Permit: Special Park Use Permit for Access

STANDARD CONDITIONS:

1. Protection of Park Land or Property from Damage. Permittee shall exercise diligence in protecting from damage the land, property and resource of the State of Alaska in the area covered by and use in connection with this permit and shall pay the State for any damage resulting from negligence or from the violation of the terms of this permit or any law or regulation applicable to the use of State parks by the permittee or by his/her agents and employees when acting within the scope of their employment or by his/her contractors and sub-contractors.
2. Non-obstruction of Public Use. Permittee, employees, agents or clients shall not interfere with free public use of roads and trails in the area of their activities, except as may be authorized by special stipulation in this permit.
3. Wheel or Tracked Vehicles. Activities employing wheeled or tracked vehicles when specifically allowed under the description of activities of the permit shall be conducted in such a manner as to minimize surface damage to park lands and resources.
4. Disturbance of Park Resources. All activities shall be conducted in a manner that will avoid or minimize disturbance of park resources including natural drainage systems. Cuts, fills or other activities causing any disturbance if not repaired immediately are subject to any corrective action as may be required by the State.
5. Archaeological/Paleontological Discoveries. If, during excavation work, items of archaeological or paleontological values are discovered, the permittee will cease excavation in the area so affected. He will then notify the nearest State park official and will not resume excavation until written approval is given.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December of 1985.

DESCRIPTION OF THE ACTIVITY:

Construction and maintenance of docks, cabins, signs or buildings that are developed on State park lands, and are related to public use and enjoyment of or management and protection of park resources. Projects under this general concurrence cannot exceed \$250,000 in cost, require wetlands to be filled, or include work in fish streams.

Authority: AS 41.20.040
11 AAC 12.140
11 AAC 12.150

Permit: Special Park Use Permit to construct and maintain structures in a State park.

Region: Statewide

STANDARD CONDITIONS:

1. Protection of Park Land or Property from Damage. Permittee shall exercise diligence in protecting from damage the land, property and resource of the State of Alaska in the area covered by and use in connection with this permit and shall pay the State for any damage resulting from negligence or from the violation of the terms of this permit or any law or regulation applicable to the use of State parks by the permittee or by his/her agents and employees when acting within the scope of their employment or by his/her contractors and sub-contractors.
2. Non-obstruction of Public Use. Permittee, employees, agents or clients shall not interfere with free public use of roads and trails in the area of their activities, except as may be authorized by special stipulation in this permit.
3. Wheel or Tracked Vehicles. Activities employing wheeled or tracked vehicles when specifically allowed under the description of activities of the permit shall be conducted in such a manner as to minimize surface damage to park lands and resources.
4. Disturbance of Park Resources. All activities shall be conducted in a manner that will avoid or minimize disturbance of park resources including natural drainage systems. Cuts, fills or other activities causing any disturbance if not repaired immediately are subject to any corrective action as may be required by the State.
5. Archaeological/Paleontological Discoveries. If, during excavation work, items of archaeological or paleontological values are discovered, the permittee will cease excavation in the area so affected. He will then notify the nearest State park official and will not resume excavation until written approval is given.
6. Sewage Disposal. A plan review for on-site sewage disposal system may be required by DEC.
7. Solid Waste Disposal. A solid waste disposal permit from DEC will be required if the applicant intends to dispose of solid waste on-site.

The following activity is consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) when conducted according to the conditions listed below. This does not relieve the applicant from obtaining required permits and approvals from individual agencies. This concurrence is for a one year period, and will be reviewed by the agencies in December of 1985.

DESCRIPTION OF THE ACTIVITY:

Activities which are inherently incompatible with State park purposes such as utility corridors, communication sites, buildings or other facilities or uses, but which have a benefit to the public at large. Projects under this general concurrence cannot exceed \$250,000 in cost, require wetlands to be filled, or include work in fish streams.

Authority: AS 41.20.040
11 AAC 18.010

Permit: State Park Incompatible Use Permit

Region: Statewide

STANDARD CONDITIONS:

1. Protection of Park Land or Property from Damage. Permittee shall exercise diligence in protecting from damage the land, property and resources of the State of Alaska in the area covered by and used in connection with this permit and shall pay the State for any damage resulting from negligence or from the violation of the terms of this permit or any law or regulation applicable to the use of State parks by the permittee or by his/her agents and employees when acting within the scope of their employment or by his/her contractors and subcontractors.
2. Non-obstruction of Public Use. Permittee, employees, agents or clients shall not interfere with free public use of roads and trails in the area of their activities except as may be authorized by special stipulation in this permit.
3. Wheeled or Tracked Vehicles. Activities employed wheeled or tracked vehicles when specifically allowed under the description of activities of the permit shall be conducted in such a manner as to minimize surface damage to park lands and resources.
4. Disturbance of Park Resources. All activities shall be conducted in a manner that will avoid or minimize disturbance of park resources including natural drainage systems. Cuts, fills or other activities causing any disturbance if not repaired immediately are subject to any corrective action as may be required by the State.
5. Garbage or Solid Waste Disposal. A solid waste disposal permit from DEC will be required if the applicant intends to dispose of solid waste on-site. Garbage will be stored in such a way as to not be an attractive nuisance to wildlife.
6. Borrow pits. Existing borrow pits, if used, shall be regularly smoothed and revegetated to the satisfaction of the State.

7. Archaeological/Paleontological Discoveries. If, during excavation work, items of archaeological or paleontological value are discovered, the permittee will cease excavation in the area so affected. He will then notify the nearest State park official and will not resume excavation until written approval is given.
8. On-site Sewage Disposal. A plan review for on-site sewage disposal system may be required by DEC.

The following activity has been proposed to be consistent with the Alaska Coastal Management Program as per 6 AAC 50.050(c) and (e) with the additions of the conditions listed below. This would not relieve the applicant from obtaining required permits and approvals from individual agencies.

DESCRIPTION OF THE ACTIVITY:

The establishment of temporary camps (for 1 year or less) on State owned land except in game refuges, critical habitat areas, or game sanctuaries, to support guiding, resource exploration or other activities. Temporary camps do not require permanent improvement and can be established on one acre or less. Temporary camps consist of personal property that can easily be removed within 48 hours.

Authority: AS 38.05.850

Permit: Land Use Permit (DNR)

Region: Statewide

STANDARD CONDITIONS:

1. On site disposal of solid and hazardous waste requires approval of the Alaska Department of Environmental Conservation (11 AAC 60.101) unless such waste is hauled out and disposed of in an approved disposal site.
2. Fuel storage facilities shall not be placed within 100 feet of water bodies and must be within an impermeable diked area at 110 percent capacity of the largest independent fuel container. Manifolded tanks or bladders must be considered as a container. Vehicle refueling shall not occur within the annual floodplain.
3. Site disturbance shall be kept to a minimum to protect local habitat.
4. All activities shall be conducted in a manner that will prevent disturbance of materials or drainage systems that will cause a change in character, pollution, siltation of streams, lakes, ponds, waterholes, seeps and marshes, or disturb fish and wildlife resources.
5. Garbage will be stored or disposed of in such a way as to not be an attractive nuisance to wildlife. Sites will be kept clean.
6. The permittee shall take all reasonable precautions to prevent, and all reasonable actions to suppress, forest, brush and grass fires.
7. The permittee may use dead or down timber but shall not cut standing timber on the premises unless specifically authorized by the Division of Forestry, DNR.
8. Permittee shall not close roads or trails or otherwise prevent overland access commonly used by the public on the premises.

Part C. INDIVIDUAL PROJECT REVIEWS

An individual consistency review is required for projects requiring the following approvals. Those highlighted with asterisks are approvals for activities that have been proposed for a general concurrence type review. If a general concurrence (GC) has been approved, the number of that GC will be listed. Check to see if the GC covers the project in question. If not and until such reviews are completed, individual consistency reviews are required. The appropriate review schedule is indicated. Since DNR disposals are not covered by the timeframes, an N/A for not applicable is indicated in the review schedule column.

Review
Schedule

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

50-day	Air Quality Control Permit to Operate (PSD) (will likely require an extended review due to complex issues)	AS 46.020 AS 46.03.140 AS 46.03.150 & 160 AS 46.03.170 & 710	18 AAC 15 18 AAC 50 18 AAC 50.300(c)
50-day	Solid Waste Management Permit (includes disposal of oil cleanup debris)	AS 46.03.020 AS 46.03.100 AS 46.03.110 AS 46.03.120 AS 46.03.710	18 AAC 15 18 AAC 60 18 AAC 75
50-day	Reclassification of Waters of the State (will likely require an extended review due to complex issues)	AS 46.03.020	18 AAC 15 18 AAC 70.055
50-day	Waste Disposal Permit (Wastewater Discharge)	AS 46.03.020 AS 46.03.100 & 110 AS 46.03.120 & 710	18 AAC 15 18 AAC 70 18 AAC 72.010
50-day	401 Certifications-- Certificate of Reasonable Assurance Sec. 401)	AS 46.03.020 (CWA [PL 95-217])	18 AAC 15 18 AAC 70 18 AAC 72
50-day	Oil Discharge Contingency Plans for offshore facilities and onshore fuel storage facilities with a capacity of greater than 10,000 barrels	AS 46.04.030	

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(revised)

30-day	Surface Oiling	AS 46.03.020	18 AAC 15
84-GC-11	Permit	AS 46.03.710	18 AAC 75
		AS 46.03.740	
		AS 46.03.755	
50-day	Permit to Apply	AS 46.03.020 (10) (A)	
84-GC-14	Pesticides	AS 46.03.020 (10) (G)	
		AS 46.03.320	18 AAC 90.055
		AS 46.03.330	
		AS 46.03.730	
50-day	Oil discharge	AS 46.03.020	18 AAC 75
84-GC-12	permit for scientific purposes		
30-day	Subdivision Plan	18 AAC 72.065	
84-GC-16	Review		
and 17			
30-day	Air quality	AS 46.020	18 AAC 15
84-GC-13	Control Permit	AS 46.03.140	18 AAC 50
	to Operate		
	(non-PSD)	AS 46.03.150	18 AAC 50.300 (c)
		AS 46.03.160	
50-day	Fur Farm Permit	AS 03.05.010-011	
84-GC-15			

DEPARTMENT OF NATURAL RESOURCES

° DISPOSALS

Division of Agriculture

N/A	Lease of cleared or drained agricultural land	AS 38.07.010-050	
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Division of Forestry

N/A	Timber Sales of greater than 10 acres in spruce-hemlock coastal forests; greater than 40 acres in Interior forests south of the Alaska Range; greater than 160 acres in Interior forests north of the Alaska Range	AS 38.05.110-120	11 AAC 76.005-205
N/A	Log salvage sales	AS 38.05.110-120	11 AAC 76.005-205

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Division of Land and Water Management

N/A	Sales of Land by Auction or Lottery	AS 38.05.045-055	11 AAC 67.045
N/A	Disposal of Agricultural Interest	AS 38.06.069	11 AAC 67.160-192
N/A	Homestead Disposals	AS 38.09	11 AAC 67.005-155
N/A	Opening of an Area for Issuance of Remote Cabin Permits	AS 38.05.79	11 AAC 67
N/A	Disposal of Remote Parcels	AS 38.05.077	11 AAC 67.110-135
N/A	Lease of Land	AS 38.05.320	11 AAC 67.045
N/A	Grazing Lease	AS 38.05.070	11 AAC 60.010-180
N/A	Lease of Tidelands	AS 38.05.320	11 AAC 62.010-840
N/A	Right-of-way or easement permits for roads, trails, ditches, pipelines, drill sites, log storage, telephone or transmission lines	AS 38.05.330	11 AAC 58.200
N/A	Oil and natural gas pipeline right-of-way leasing	AS 38.05.020(c) AS 38.35.010-260	11 AAC 80.005-055
N/A	Establish access corridors across Goose Bay Refuge, Susitna Flats Refuge, and Trading Bay Refuge to private land	AS 16.20.030(E) AS 16.20.036(F) AS 16.20.038(F)	
N/A	Material Sales, except sales from approved upland sources	AS 38.05.110-120	11 AAC 71
N/A	Water use permits, except for withdrawals from sources classified as categorical or general concurrence approvals	AS 46.15	11 AAC 93

Division of Oil and Gas

N/A	Oil and gas lease sales	AS 38.05.135 AS 38.05.145 AS 38.05.180	11 AAC 83
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N/A	Geothermal prospect -ing permit	AS 38.05.145 AS 38.05.181(g)	11 AAC 84.700(b)
N/A	Geothermal lease sales	AS 38.05.145 AS 38.05.181(h)	11 AAC 84.700
N/A	Oil shale lease	AS 38.05 145	11 AAC 84.300

Division of Mining

N/A	Coal lease sales	AS 38.05.150	11 AAC 84.100-170
N/A	Coal prospecting permit	AS 38.05.145 AS 38.05.150(c)	11 AAC 84.115-135
N/A	Phosphate lease	AS 38.05.145 AS 38.05.155	11 AAC 84.200
N/A	Sodium compound prospecting permit and lease	AS 38.05.145 AS 38.05.170	11 AAC 84.400
N/A	Sulfur prospecting permit and lease	AS 38.05.145 AS 38.05 170	11 AAC 84.500
N/A	Potassium compound prospecting permit and lease	AS 38.05.145 AS 38.05.175	11 AAC 84.600
N/A	Offshore mining prospecting permit	AS 38.05.250(a)	11 AAC 86.500-535
N/A	Upland mining lease	AS 38.05.185 AS 38.05.250	11 AAC 86.300-325
N/A	Offshore mining lease and sales	AS 38.05.145 AS 38.05.250(b)	11 AAC 86.545-570

° PERMITS AND OTHER APPROVALS

Division of Agriculture

50-day	Approval of applica- tion for clearing or draining of agricultural land in vicinity of state land	AS 38.07.030	
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Division of Land and Water Management

50-day	Approval of plan of operations or plan of development on leased lands (deadline does not apply when the plan is included in the lease at the time of the sale)	AS 38.05.020 AS 38.05.320	11 AAC 62.700
30-day	General land use permits, except for those classified as categorical or general concurrence approvals	AS 38.05.330	
30-day	Tideland permits	AS 38.05.320	11 AAC 62.720-830
30-day	Temporary water use permits for water withdrawals except for withdrawals from sources classified as categorical or general concurrence approvals	AS 46.15.150	11 AAC 93

Division of Oil and Gas

50-day	Applications to drill geothermal wells	AS 41.06.050	
50-day	Plan of operations on leased lands, except for those activities included in the General Concurrence category	AS 38.05.135 AS 38.05.145 AS 38.05.180	11 AAC 83.158
*30-day	Miscellaneous land use permit for Seismic Activity	AS 38.05.020 AS 38.05.035 AS 38.05.180	11 AAC 96.010-140

Division of Mining

30-day	Miscellaneous land use permit for mining activity or mineral exploration	AS 38.05.020 AS 38.05.035 AS 38.05.180	11 AAC 96.010-140
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(revised)

50-day	Plans of operations on leased lands or land subject to an offshore prospecting permit	AS 38.05.020 AS 38.05.035	11 AAC 96.010-140
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*As per SCMCRA	Approvals subject to the Alaska Surface Coal Mining Control and Reclamation Act, other than Notices of Intent to Explore	AS 27.21.030	11 AAC 90.002
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Division of Parks

30-day 85-GC-21	Authorization to Construct Structure in Parks	AS 41.20.040	11 AAC 12.140
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*30-day	Authorizations to use explosives in State parks	AS 41.20.040	11 AAC 12.140
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50-day 85-GC-20	Permit for access across state park	AS 41.20.040	11 AAC 18.020
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50-day 85-GC-22	Incompatible use permit	AS 41.20.040	11 AAC 18.010
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DEPARTMENT OF FISH AND GAME

30-day Anadromous Stream Permit AS 16.05.870

30-day Fish Passage Permit AS 16.05.840

Coastal Project Questionnaires are not required for Anadromous Stream and Fish Passage permits authorizing placement of drainage structures necessary to meet the conditions of COE Nationwide permit 330.5(14) provided that the project is on private land or a State-funded DOT/PF maintenance project within an existing State right-of-way.

Coastal Project Questionnaires are not required for Anadromous Stream permits authorizing recreational placer mining when the suction dredge used has an opening less than 6" diameter; access is by existing road or trail or by boat and; activities do not occur on patented mining claims.

50-day Permit to Operate a Clam Dredge 5 AAC 38.050

50-day Scallop Dredge Permit 5 AAC 38.068

30-day Anadromous stream permits AS 16.05.870
for the following activities.

84-GC-6 1. Equipment crossings at established or
 traditional crossing site.

84-GC-7 2. Minor instream work to improve fish habitat.

Habitat Protection Permits

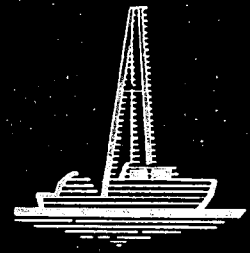
50-day Refuges AS 16.20.060

50-day Critical Habitat Areas AS 16.20.260

50-day Game Sanctuaries AS 16.20.120-130

50-day Hatchery Permits AS 16.10.400-430

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Appendix B

Key Players

APPENDIX B

KEY PLAYERS

Key Players are people whose names and phone numbers are needed and used on a regular basis. Key Players include coastal management staffs from the Division of Governmental Coordination (DGC) and other state agencies, Coastal Policy Council members, and district coastal coordinators. The **BOLD** subheadings in the following tables correspond to the geographical regions shown on Figures V-B.1 and V-B.2. You will most frequently work with Key Players from the regions that include your district.

Table V-B.1 Coastal Policy Council members and alternates

Table V-B.2 Coastal District Coordinators

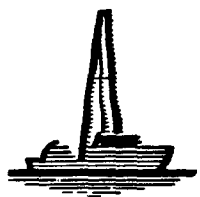
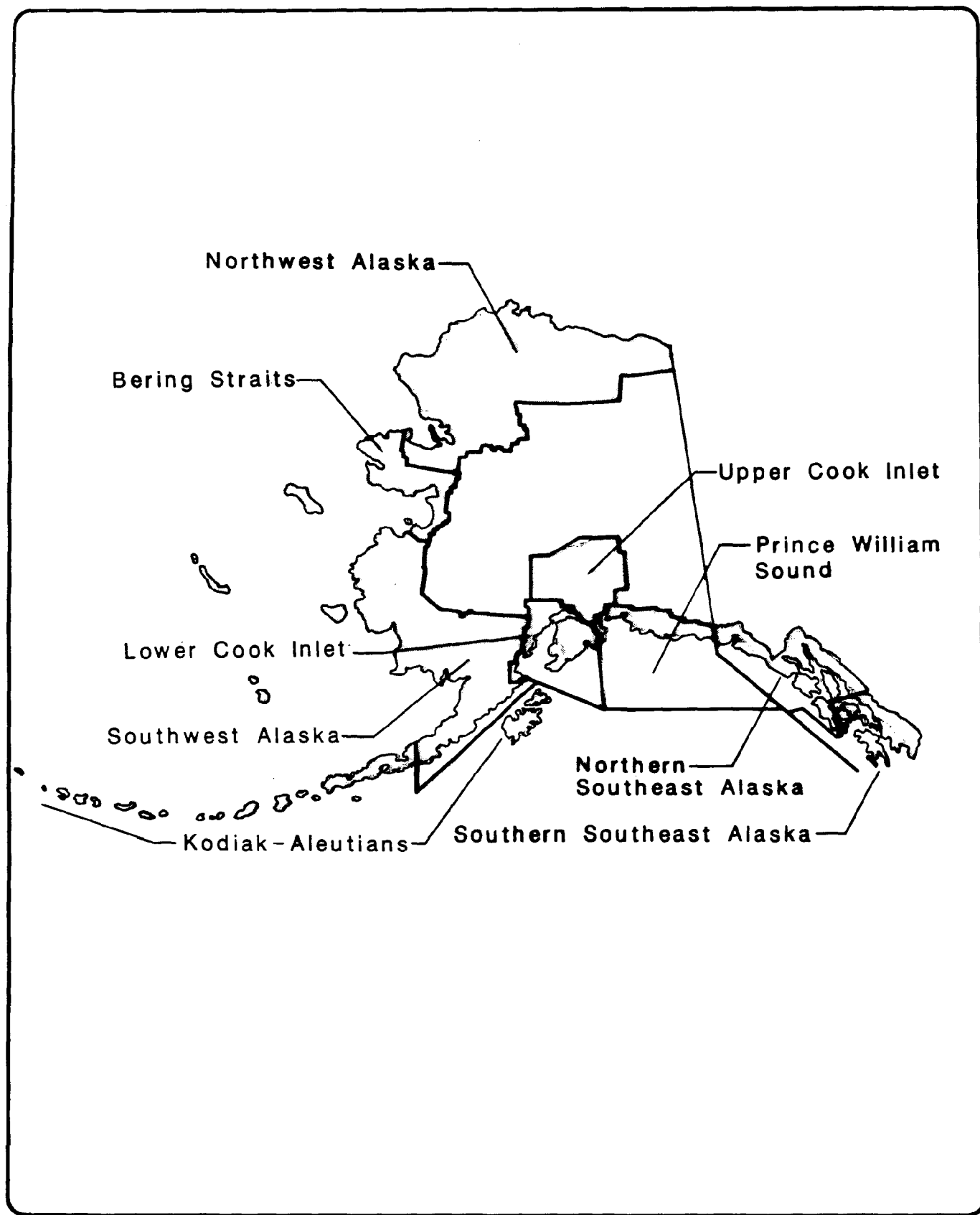
Table V-B.3 DGC coastal management staff contacts by district

Table V-B.4 DCRA coastal management staff by district

Table V-B.5 State of Alaska resource agency contacts by region

Figure V-B.1 Coastal management regions (for determining which coastal staff to contact, based on the location of the proposed project)

Figure V-B.2 Agency regions (for determining which state resource agency staff to contact, based on the location of the proposed project)



**COASTAL
MANAGEMENT REGIONS**

Figure

Y-B.1

Table V-B.1 **Alaska Coastal Policy Council** **Members and Alternates**

LOCAL REPRESENTATIVES

NOTE: The date in parentheses beside each member's name indicates the expiration date of his or her Coastal Policy Council term. Provided they retain their local elective office, public members serve until a replacement is appointed.

NORTHWEST REGION

The Honorable Willie Goodwin, Jr.
 (9/88)
 Mayor, City of Kotzebue
 P.O. Box 334
 Kotzebue, Alaska 99752

Alternate:

Mr. Harry Wilde, Sr.
 Mountain Village City Council
 P.O. Box 32085
 Mountain Village, Alaska 99559

Alternate: Vacant

BERING STRAITS REGION

Mr. Johnson Eningowuk (9/89)
 Shishmaref City Council
 P.O. Box 72009
 Shishmaref, Alaska 99772

UPPER COOK INLET REGION

Mr. Joseph Evans (9/88)
 Anchorage Assembly
 4741 Southpark Bluff Drive
 Anchorage, Alaska 99516

Alternate:

The Honorable Tim Towarak
 Mayor, City of Unalakleet
 P.O. Box 89
 Unalakleet, Alaska 99684

Alternate:

Mr. Craig Campbell
 Anchorage Assembly
 18324 Parkview Terrace Loop
 Eagle River, Alaska 99577

SOUTHWEST REGION

Ms. Cheryl (Chow) Taylor (9/88)
 Dillingham City Council
 P.O. Box 10051
 Dillingham, Alaska 99576

KODIAK-ALEUTIANS REGION

The Honorable Alex Samuelson (9/89)
 Mayor, City of King Cove
 P.O. Box 37
 King Cove, Alaska 99516

Alternate: Vacant

LOWER COOK INLET REGION

Mr. John L. Crawford (9/89)
Kenai Borough assembly
Drawer M
Seldovia, Alaska 99663

Alternate:

Ms. Betty Glick
Kenai Borough Assembly
Box 528
Kenai, Alaska 99611

PRINCE WILLIAM SOUND

Mr. George Maykowskyj (9/88)
Valdez City Council
P.O. Box 307
Valdez, Alaska 99686

Alternate:

The Honorable Georgia Buck
Mayor, City of Whittier
P.O. Box 608
Whittier, Alaska 99693

**NORTHERN SOUTHEAST
REGION**

The Honorable Lawrence E. Powell
(9/89)
Mayor, City of Yakutat
P.O. Box 159
Yakutat, Alaska 99689

Alternate: Vacant

**SOUTHERN SOUTHEAST
REGION**

Dennis L. McCarty, Esq. (9/89)
Ketchikan Gateway Borough
320 Bawden Street, #309
Ketchikan, Alaska 99901

Alternate:

The Honorable Donald James, Sr.
Mayor, City of Kake
P.O. Box 500
Kake, Alaska 99830

STATE REPRESENTATIVES**Division of Governmental
Coordination**

Mr. Robert L. Grogan
Director
P.O. Box AW (MS 0165)
Juneau, Alaska 99811
(907) 465-3562

Alternate: Vacant

**Department of Commerce and
Economic Development**

The Honorable Anthony Smith Com-
missioner
P.O. Box D (MS 0800)
Juneau, Alaska 99811
(907) 465-2500

Alternate:

Mr. John Williams
Deputy Commissioner
P.O. Box D (MS 0800)
Juneau, Alaska 99811
(907) 465-2500

**Department of Community and
Regional Affairs**

The Honorable David Hoffman
Commissioner
P.O. Box B (MS 2100)
Juneau, Alaska 99811
(907) 465-4700

Alternate:

Ms. Marty Rutherford
Director
Municipal and Regional Assistance
Division
949 East 36th Ave., Suite 404
Anchorage, Alaska 99508
(907) 561-8586

**Department of Environmental
Conservation**

The Honorable Dennis Kelso
Commissioner
P.O. Box O (MS 1800)
Juneau, Alaska 99811
(907) 465-2600

Alternate:

Ms. Amy Kyle
Deputy Commissioner
P.O. Box O (MS 1800)
Juneau, Alaska 99811
(907) 465-2600

Department of Fish and Game

The Honorable Don Collinsworth
Commissioner
P.O. Box 3-2000 (MS 1100)
Juneau, Alaska 99802
(907) 465-4100

Alternate:

Mr. Norman A. Cohen
Deputy Commissioner
P.O. Box 3-2000 (MS 1100)
Juneau, Alaska 99802
(907) 465-4100

Department of Natural Resources

The Honorable Judith Brady
Commissioner
P.O. Box M (MS 1000)
Juneau, Alaska 99811
(907) 465-2400

Alternate:

Ms. Lennie Gorsuch
Deputy Commissioner
P.O. Box M (MS 1000)
Juneau, Alaska 99811
(907) 465-2400

**Department of Transportation and
Public Facilities**

The Honorable Mark Hickey
Commissioner
P.O. Box Z (MS 2500)
Juneau, Alaska 99811
(907) 465-3900

Alternate:

Mr. Jeffrey Ottesen, Director
Engineering and Operation
P.O. Box Z (MS 2500)
Juneau, Alaska 99811
(907) 465-2951

Table V-B.2

Coastal District Coordinators

NORTHWEST REGION

North Slope Borough

Karla Kolash, ACMP Coordinator
North Slope Borough
P.O. Box 69
Barrow, Alaska 99723
PROFS: ZCKNSB
Phone: 852-2611

Northwest Arctic Borough

Mr. Jason Jessup
Planning Director
Northwest Arctic Borough
P.O. Box 1110
Kotzebue, Alaska 99752
Phone: 442-2500

BERING STRAITS REGION

City of Nome

Polly Prchal, City Manager
City of Nome
P.O. Box 281
Nome, Alaska 99762
Phone: 443-5242

Bering Straits Coastal Resource Service Area

Bryan MacLean, Program Director
c/o City of Unalakleet
Box 28
Unalakleet, Alaska 99684
PROFS: ZCGCBRS
Phone: 624-3062

SOUTHWEST REGION

Bristol Bay Borough

Dale Peters
Bristol Bay Borough
P.O. Box 189
Naknek, Alaska 99633
Phone: 246-4224

City of Bethel

Suzanne Little, Planner
City of Bethel
P.O. Box 388
Bethel, Alaska 99559
Phone: 543-4456

Bristol Bay Coastal Resource Service Area

Sue Flensburg
Bristol Bay CRSA
P.O. Box 3110
Dillingham, Alaska 99576
PROFS: ZCECBRB
Phone: 842-2666

Ceñaliulriit (Yukon-Kuskokwim) Coastal Resource Service Area

Anna Phillip
Coastal Management Coordinator
Ceñaliulriit CRSA
P.O. Box 1169
Bethel, Alaska 99559
PROFS: ZCACCEN
Phone: 543-2243

KODIAK ALEUTIANS REGION**Kodiak Island Borough**

Linda Freed
Director
Community Development Department
Kodiak Island Borough
P.O. Box 1246
Kodiak, Alaska 99615-6340
Phone: 486-5736

Aleutians East Borough

Marjorie Dunaway
Aleutians East CRSA
P.O. Box 349
Sand Point, Alaska 99661
PROFS: ZCJCALE
Phone: 383-2699

**Aleutians West Coastal Resource
Service Area**

Darcy Lockhart
Aleutians West CRSA
P.O. Box 100460
Anchorage, Alaska 99510-0460
Phone: 276-7569
PROFS: ZCGCAWC

City of St. Paul

Vern McCorkle
City Manager
City of St. Paul
P.O. Box 29
St. Paul, Alaska 99660
Phone: 546-2331

UPPER COOK INLET REGION**Municipality of Anchorage**

Mark Dalton
Department of Economic
Development and Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650
PROFS: ZCCCANC
Phone: 343-4252

Matanuska-Susitna Borough

Claud Oxford
Planning Department
Matanuska-Susitna Borough
P.O. Box 1608
Palmer, Alaska 99645
PROFS: ZCRCMSB
Phone: 745-9669

LOWER COOK INLET REGION**Kenai Peninsula Borough**

Sylvia Spearow
Kenai Peninsula Borough
P.O. Box 850
Soldotna, Alaska 99669
PROFS: ZCQCKPB
Phone: 262-4441

**PRINCE WILLIAM SOUND
REGION****City of Cordova**

Donald Moore
City Manager
City of Cordova
P.O. Box 1210
Cordova, Alaska 99574
Phone: 424-6300

City of Valdez

Pam Ulvestad
City of Valdez
P.O. Box 307
Valdez, Alaska 99686
Phone: 835-4313

City of Whittier

Doug Bolle
City of Whittier
P.O. Box 608
Whittier, Alaska 99693
Phone: 472-2330

**NORTHERN SOUTHEAST
REGION****City of Angoon**

Pauline Johnson
ACMP Coastal Coordinator
P.O. Box 189
Angoon, Alaska 99820
Phone: 788-3653

City of Haines

Walt Wilcox
City Administrator
City of Haines
P.O. Box 1049
Haines, Alaska 99827
Phone: 766-2231

City of Hoonah

Sharon Parks
Clerk
City of Hoonah
P.O. Box 360
Hoonah, Alaska 99829
Phone: 945-3663

City and Borough of Juneau

Karen Boorman/Murray Walsh
Planning Department
City and Borough of Juneau
155 South Seward Street
Juneau, Alaska 99801
Phone: 586-5235

City of Kake

Bill Cheney
Coastal Coordinator
City of Kake
P.O. Box 500
Kake, Alaska 99830
PROFS: ZCCCKAK
Phone: 785-6448

City of Pelican

Jenny Weaver
Coastal Planner
City of Pelican
P.O. Box 733
Pelican, Alaska 99832
Phone: 735-2202

City and Borough of Sitka

Stuart Denslow
City Administrator
City and Borough of Sitka
304 Lake Street
Sitka, Alaska 99835
Phone: 747-3294

City of Skagway

Thomas Healy
City Manager
City of Skagway
P.O. Box 415
Skagway, Alaska 99840
Phone: 983-2297

City of Yakutat

Cheryl Easterwood
Planner
City of Yakutat
P.O. Box 6
Yakutat, Alaska 99689
Phone: 784-3323

**SOUTHERN SOUTHEAST
REGION****Annette Islands Indian Reserve
(Metlakatla)**

Gordon Thompson
Natural Resources Department
Metlakatla, Alaska 99926
Phone: 886-5111

City of Craig

Rochelle Rollenhagen
City Planner
City of Craig
P.O. Box 23
Craig, Alaska 99921
PROFS: ZCVCCRG
Phone: 826-3273

City of Hydaburg

Adrian LeCornu
City Administrator
City of Hydaburg
P.O. Box 49
Hydaburg, Alaska 99922
Phone: 285-3793

Ketchikan Gateway Borough

Bill Jones
Planning Director
Ketchikan Gateway Borough
334 Front Street
Ketchikan, Alaska 99901
PROFS: ZCHCKET
Phone: 225-6151

City of Klawock

Al Macasact, Sr.
City of Klawock
P.O. Box 113
Klawock, Alaska 99925
Phone: 755-2261

Table V-B.3 **Department of Governmental Coordination** **Coastal Management Staff Contacts** **by District**

NORTHWEST REGION

**North Slope Borough,
Northwest Arctic Borough**

Jan Caulfield
Coastal Program Coordinator
PROFS: GCHCJCM
Phone: 465-3562

BERING STRAITS REGION

**City of Nome,
Bering Straits CRSA**

Nancy Holguin
PROFS: GCHCNAH
Phone: 465-3562

SOUTHWEST REGION

**Bristol Bay Borough,
Bristol Bay CRSA**

Sara Hunt
PROFS: GCHCSLH
Phone: 465-3562

**City of Bethel,
Ceñaliulriit (Yukon-Kuskokwim)
CRSA**

Joaqlin Estus
PROFS: GCHCJME
Phone: 465-3562

KODIAK-ALEUTIANS REGION

Kodiak Island Borough

Sara Hunt
PROFS:
Phone: 465-3562

Aleutians East Borough

Jan Caulfield
Coastal Program Coordinator
PROFS: GCHCJCM
Phone: 465-3562

**City of St. Paul,
Aleutians West CRSA**

Joaqlin Estus
PROFS: GCHCJME
Phone: 465-3562

UPPER COOK INLET REGION

**Municipality of Anchorage,
Matanuska-Susitna Borough**

Nancy Holguin
PROFS: GCHCNAH
Phone: 465-3562

LOWER COOK INLET REGION

Kenai Peninsula Borough

Nancy Holguin
PROFS: GCHCNAH
Phone: 465-3562

**PRINCE WILLIAM SOUND
REGION**

City of Cordova,
City of Valdez, and
City of Whittier

Sara Hunt
PROFS:
Phone: 465-3562

**NORTHERN SOUTHEAST
REGION**

City of Angoon,
City and Borough of Juneau,
City of Kake, and
City of Pelican

Sara Hunt
PROFS:
Phone: 465-3562

City of Haines,
City of Hoonah,
City and Borough of Sitka,
City of Skagway, and
City of Yakutat

Joaqlin Estus
PROFS: GCHCJME
Phone: 465-3562

**SOUTHERN SOUTHEAST
REGION**

Annette Islands Indian Reserve
(Metlakatla),
City of Craig,
City of Hydaburg,
Ketchikan Gateway Borough, and
City of Klawock

Nancy Holguin
PROFS: GCHCNAH
Phone: 465-3562

Table V-B.4

**Department of Community and Regional Affairs
Coastal Management Staff by District**

NORTHWEST REGION

North Slope Borough

Diane Stevens
Fairbanks
Phone: 452-7126

Northwest Arctic Borough

Clovis Bowles
Nome
Phone: 443-5457

BERING STRAITS REGION

**City of Nome,
Bering Straits CRSA**

Clovis Bowles
Nome
Phone: 443-5457

SOUTHWEST REGION

**Bristol Bay Borough,
Bristol Bay CRSA**

Chow Taylor
Dillingham
Phone: 842-5135

City of Bethel,
Ceñaliulriit (Yukon-Kuskowim)
CRSA

Jim Duffy
Bethel
Phone: 543-3475

KODIAK-ALEUTIANS REGION

Kodiak Island Borough

Tom Peterson
Kodiak
Phone: 486-7536

Aleutians West CRSA

John Gliva
Anchorage
Phone: 561-8586

Aleutians East CRSA

Christy Miller
Anchorage
Phone: 561-8586

UPPER COOK INLET REGION

Municipality of Anchorage

Dave Tremont
Anchorage
Phone: 561-8586

Matanuska-Susitna Borough

Christy Miller
Anchorage
Phone: 561-8586

LOWER COOK INLET REGION

Kenai Peninsula Borough

Tom Peterson
Kodiak
Phone: 486-7536

**PRINCE WILLIAM SOUND
REGION**

City of Cordova,
City of Valdez, and
City of Whittier

John Gliva
Anchorage
Phone: 561-8586

**NORTHERN SOUTHEAST
REGION**

City of Haines,
City of Pelican

Tom Lane
Juneau
Phone: 465-4750

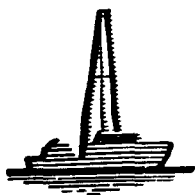
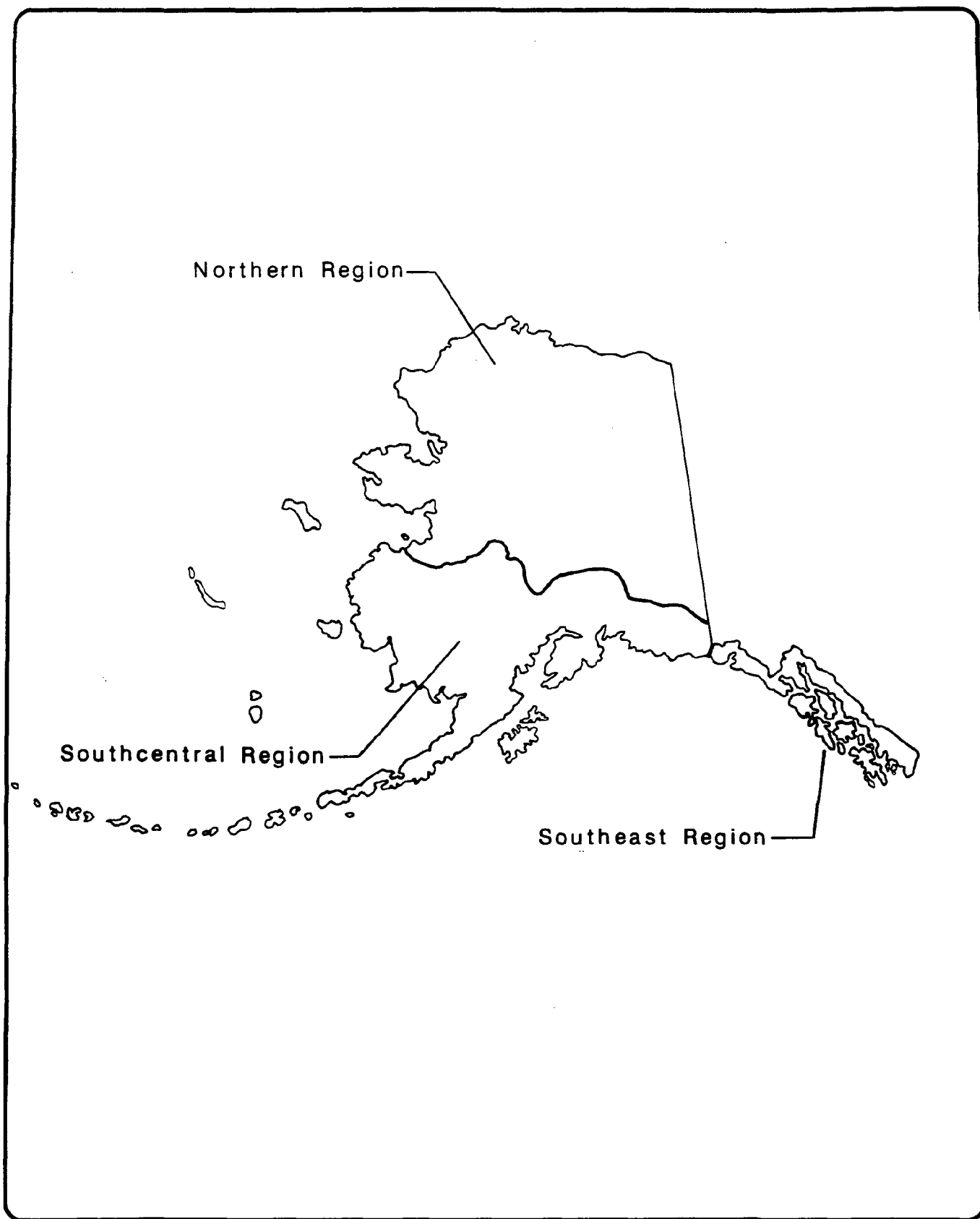
City of Angoon,
City and Borough of Juneau,
City of Kake,
City of Hoonah,
City and Borough of Sitka,
City of Skagway, and
City of Yakutat

Peter McKay
Juneau
Phone: 465-4750

**SOUTHERN SOUTHEAST
REGION**

Annette Islands Indian Reserve
(Metlakatla),
City of Craig,
Ketchikan Gateway Borough, and
City of Klawock

Peter Freer
Juneau
Phone: 465-4750



AGENCY REGIONS

Figure

Y-B.2

Table V-B.5

**State of Alaska
Resource Agency Contacts
by Region**

SOUTHEAST REGION

Department of Natural Resources

Oil and Gas Activities

DNR/Oil and Gas
Box 107034
Anchorage, Alaska 99510-7034
(907) 762-2547
CONTACT: Bill Van Dyke

Mining Activities

DNR/Mining
Box 107016
Anchorage, Alaska 99510-7016
(907) 762-2163
CONTACT: Jerry Gallagher

Forestry Activities

DNR/Forestry
400 Willoughby Ave.
Juneau, Alaska 99801-1796
(907) 465-2491
CONTACT: Jim McAllister

Agriculture Activities

DNR/Agriculture
915 S. Bailey
P.O. Box 949
Palmer, Alaska 99645-0949
(907) 745-7200
CONTACT: Mark Weaver

Activities on State Park Lands

DNR/Parks
400 Willoughby Ave.
Juneau, Alaska 99801-1796
(907) 465-4563
CONTACT: Linda Kruger

All Other Activities

Southeast District Office
DNR/Land and Water Management
400 Willoughby Ave.
Juneau, Alaska 99801-1796
(907) 465-3400
CONTACT: Andy Pekovitch

Department of Fish and Game

Habitat Division

Department of Fish and Game
P.O. Box 20
Douglas, Alaska 99824-0020
(907) 465-4290, 465-4291
CONTACT: Janet Hall
RESPONSIBLE FOR: Haines,
Juneau, Skagway

Department of Fish and Game
P.O. Box 667
Petersburg, Alaska 99833
(907) 772-3801
CONTACT: Don Cornelius
RESPONSIBLE FOR: Kake, Petersburg, Wrangell

Department of Fish and Game
2030 Sealevel Drive, Room 205
Ketchikan, Alaska 99901
(907)225-2027

CONTACT: Jack Gustafson
RESPONSIBLE FOR: Craig,
Hydaburg, Klawock, Ketchikan

Department of Fish and Game
State Office Building
P.O. Box 510
Sitka, Alaska 99835
(907)747-5828
CONTACT: Dave Hardy
RESPONSIBLE FOR: Angoon,
Hoonah, Pelican, Sitka

Hatchery Permits

DFG/FRED Division
1255 West Eighth Street
P.O. Box 3-2000
Juneau, Alaska 99802-2000
(907) 465-4160
CONTACT: Jerry Madden
Kevin Duffy

**Department of Environmental
Conservation**

DEC/Southeast Office
P.O. Box 2420
9000 Old Glacier Highway
Juneau, Alaska 99803
(907) 789-3151
CONTACT: Dick Stokes

**Division of Governmental
Coordination**

Division of Governmental
Coordination
Pouch AW
431 N. Franklin Street
Juneau, Alaska 99811-0165
(907) 465-3562
CONTACT: Diane Mayer
Lorraine Marshall

SOUTHCENTRAL REGION

Department of Natural Resources

Oil and Gas Activities

DNR/Oil and Gas
Box 107034
Anchorage, Alaska 99510-7034
(907) 762-2547
CONTACT: Bill Van Dyke

Mining Activities

DNR/Mining
Box 107016
Anchorage, Alaska 99510-7016
(907) 762-4222
CONTACT: Jerry Gallagher

Forestry Activities

DNR/Forestry
Box 107005
Anchorage, Alaska 99510-7005
(907) 762-2123
CONTACT: Dan Ketchum

Agriculture Activities

DNR/Agriculture
915 S. Bailey
P.O. Box 949
Palmer, Alaska 99645
(907) 745-7200
CONTACT: Dean Brown

Activities on State Park Lands

DNR/Parks
Box 107001
Anchorage, Alaska 99510-7001
(907) 762-4565
CONTACT: Al Meiners

All Other Activities

Public Information
Southcentral District Office
DNR/Land and Water Management
Box 107005
Anchorage, Alaska 99510-7005
(907) 762-2270
CONTACT: Janetta Pritchard

Department of Fish and Game

DFG/Habitat Division
333 Raspberry Road
Anchorage, Alaska 99518-1599

CONTACT: Phil Brna
RESPONSIBLE FOR: Kenai,
Anchorage
CONTACT: Gary Liepitz
RESPONSIBLE FOR: Cordova,
Valdez
(907) 267-2284

CONTACT: Wayne Dolezal
RESPONSIBLE FOR: Aleutians East,
Aleutians West, Bristol Bay CRSA,
Cenaliulriit, Bethel, Kodiak)

CONTACT: Cevin Gilleland
RESPONSIBLE FOR: Matanuska-
Susitna Borough

Hatchery Permits

DFG/FRED Division
1255 W. Eight Street
P.O. Box 3-2000
Juneau, Alaska 99802-2000
(907) 465-4160
CONTACT: Jerry Madden
Kevin Duffy

**Department of Environmental
Conservation**

DEC/Southcentral Office
437 E Street, Second Floor
Anchorage, Alaska 99501
(907) 274-2533
CONTACT: Tim Rumpf

**Division of Governmental
Coordination**

Division of Governmental
Coordination
2600 Denali Street, Suite 700
Anchorage, Alaska 99503-2798

NORTHERN REGION

Department of Natural Resources

Oil and Gas Activities

DNR/Oil and Gas
Box 107034
Anchorage, Alaska 99510-7034
(907) 762-2547
CONTACT: John Wharam

Mining Activities

DNR/Mining
Box 107016
Anchorage, Alaska 99510-7016
(907) 762-4222
CONTACT: Jerry Gallagher

Forestry Activities

DNR/Forestry
Box 107005
Anchorage, Alaska 99510-7005
(907) 762-4500
CONTACT: Dan Ketchum

Agriculture Activities

DNR/Agriculture
915 S. Bailey
P.O. Box 949
Palmer, Alaska 99645
(907) 745-7200
CONTACT: Mark Weaver

Activities on State Park Lands

DNR/Parks
4418 Airport Way
Fairbanks, Alaska 99709
(907) 479-4136
CONTACT: Al Meiners
Dave Snarski

All Other Activities

North Central District Office
DNR/Land and Water Management
4420 Airport Way
Fairbanks, Alaska 99709
(907) 479-2243
CONTACT: Gayle Berger

Department of Fish and Game

DFG/Habitat Division
1300 College Road
Fairbanks, Alaska 99709
(907) 452-1531

CONTACT:

Al Townsend (placer mining)
Bob McLean (non-placer mining)

CONTACT: Carl Hemming, CRSA
RESPONSIBLE FOR: Bering Straits,
Nome, North Slope Borough

CONTACT: Matt Robus (Red Dog)
Al Townsend (placer)
RESPONSIBLE FOR: Northwest
Arctic Borough

Hatchery Permits

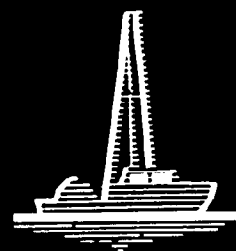
DFG/FRED Division
1255 West Eighth Street
P.O. Box 3-2000
Juneau, Alaska 99802-2000
(907) 465-4160
CONTACT: Jerry Madden
Kevin Duffy

**Department of Environmental
Conservation**

DEC/Northern Office
1001 Noble Street, Suite 350
Fairbanks, Alaska 99701
(907) 452-1714
CONTACT: Paul Bateman (Arctic)
Joyce Beelman(Interior)

**Division of Governmental
Coordination**

Division of Governmental
Coordination
675 Seventh Avenue, Station H
Fairbanks, Alaska 99701-4596
(907) 451-2818
CONTACT: Elizabeth Benson
Patti Wightman



Appendix C

State and Federal Legislative Framework

Title 44

Chapter 19. Office of the Governor.

Article 12. Office of Management and Budget.

Section

141. Alaska office of management and budget	144. Powers and duties of the director
142. Director	145. Functions and duties of the office
143. Personnel	152. Definitions

NOTE: Only those sections of Article 12 related to the Alaska Coastal Management Program are reprinted here.

Sec. 44.19.145. Functions and duties of the office. (a) The office shall

(1) provide technical assistance to the governor and the legislature in identifying long range goals and objectives for the state and its political subdivisions;

(2) prepare and maintain a state comprehensive development plan;

(3) provide information and assistance to state agencies to aid in governmental coordination and unity in the preparation of agency plans and programs;

(4) review planning within state government as may be necessary for receipt of federal, state or other funds;

(5) participate with other countries, provinces, states or subdivisions of them in international or interstate planning, and assist Alaska's local governments, governmental conferences and councils, in planning and coordinating their activities;

(6) encourage educational and research programs that further state planning and development, and provide administrative and technical services for them;

(7) publish such statistical information or other documentary material as will further the provisions and intent of AS 44.19.141 — 44.19.152;

(8) assist the governor and the Department of Community and Regional Affairs in coordinating the activities of state agencies which have an impact on the solution of local and regional development problems;

(9) serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to federal, state or local governmental agencies in discharging their respective responsibilities or in obtaining federal or state financial or technical assistance;

(10) review all proposals for the location of capital improvements by any state agency and advise and make recommendations concerning location of these capital improvements;

Consistency Reviews

(11) render, on behalf of the state, all federal consistency determinations and certifications authorized by 16 U.S.C. 1456 (§ 307, Coastal Zone Management Act of 1972), and a conclusive state consistency determination when a project requires two or more state or federal permits, leases, or authorizations.

(b) The office shall, in carrying out its functions, consult with local, regional, state and federal officials, private groups and individuals, and with officials of other countries, provinces and states, and may hold public hearings to obtain information for the purpose of carrying out the provisions of AS 44.19.141 — 44.19.152.

(c) The governor may establish coordinating or advisory planning groups.

(d) The office shall

(1) coordinate its services and activities with those of other state departments and agencies to the fullest extent possible to avoid duplication;

(2) prepare an integrated annual report on the long-range development program of the state and submit it to the governor for incorporation into the governor's report to the legislature;

(3) cooperate with the University of Alaska and other appropriate public and private institutions in research and investigations. (§ 2 ch 103 SLA 1966; am § 2 ch 219 SLA 1970; am § 2 ch 60 SLA 1972; am §§ 8, 10 ch 200 SLA 1972; am § 5 ch 207 SLA 1975; am § 20 ch 63 SLA 1983)

Effect of amendments. — The 1983 amendment, effective July 15, 1983, substituted "office" for "division" throughout the section, made other minor word

changes, and in subsection (a) revised the paragraph numbering and added paragraph (11).

Sec. 44.19.152. Definitions. In AS 44.19.141 — 44.19.152,

(1) "director" means the director of the office of management and budget;

(2) "office" means the Alaska office of management and budget. (§ 1 ch 219 SLA 1970; am § 13 ch 207 SLA 1975; am § 21 ch 63 SLA 1983)

Effect of amendments. — The 1983 amendment, effective July 15, 1983, repealed a former definition of "division," in the definition of "director" substituted

"office of management and budget" for "division of policy development and planning", added the definition of "office," and ordered the definitions alphabetically.

Article 13. Alaska Coastal Policy Council.

Section

155. Alaska Coastal Policy Council
160. Powers of the council

Section

161. Duties of the council
162. Council staff

Sec. 44.19.155. Alaska Coastal Policy Council. (a) There is created in the Office of the Governor the Alaska Coastal Policy Council. The council consists of the following:

(1) nine public members appointed by the governor from a list comprised of at least three names from each region, nominated by the municipalities of each region; the nominees shall be the mayor or member of the assembly or council of a municipality; one public member shall be appointed from each of the following general regions:

(A) northwest Alaska, including, generally, the area of the North Slope Borough and the Northwest Arctic regional educational attendance area;

(B) Bering Straits, including, generally, the area of the Bering Straits regional educational attendance area;

(C) southwest Alaska, including, generally, the area within the Lower Yukon, Lower Kuskokwim, Southwest, and Lake-Peninsula regional educational attendance areas and the Bristol Bay Borough;

(D) Kodiak-Aleutians, including the area of the Kodiak Island Borough and the Aleutian, Adak and Pribilof regional educational attendance areas;

(E) Upper Cook Inlet, including the Municipality of Anchorage and the Matanuska-Susitna Borough;

(F) Lower Cook Inlet, including, generally, the area within the Kenai Peninsula Borough;

(G) Prince William Sound, including, generally, the area east of the Kenai Peninsula Borough to 141° W. longitude;

(H) northern Southeast Alaska, including the area southeast of 141° W. longitude and north of 57° N. latitude, including the entirety of the City and Borough of Sitka; and

(I) southern Southeast Alaska, including that portion of southeastern Alaska not contained within the area described in (H) of this paragraph;

(2) each of the following:

(A) the director of the office of management and budget;

(B) the commissioner of the Department of Commerce and Economic Development;

(C) the commissioner of the Department of Community and Regional Affairs;

(D) the commissioner of the Department of Environmental Conservation;

(E) the commissioner of the Department of Fish and Game;

(F) the commissioner of the Department of Natural Resources; and

(G) the commissioner of the Department of Transportation and Public Facilities.

(b) Each public member appointed by the governor under (a)(1) of this section serves a term of two years and until his successor is appointed and qualified, except that the term of office of a public mem-

Public Members

State Members

Term of Office

ber first appointed under (a)(1)(A), (a)(1)(C), (a)(1)(E) and (a)(1)(G) of this section shall be one year. A public member may be reappointed.

(c) The council shall designate co-chairmen, one of whom shall be selected from among the public members appointed under (a)(1) of this section and one from among the members designated in (a)(2) of this section.

Alternates

(d) Each member of the council shall select one person to serve as a permanent alternate at meetings of the council. If a member of the council is unable to attend, the member shall advise the alternate who may attend and act in the place of the member. The alternate for a public member appointed after July 9, 1978 under (a)(1) of this section shall, at the time of the alternate's designation and throughout the period of service as a permanent alternate, be the mayor or member of the assembly or council of a municipality within the region from which the permanent member is appointed. The alternate for the director of the office of management and budget, serving under (a)(2)(A) of this section, shall be the director's designee within that office. The alternate for a designated member serving under (a)(2)(B) — (G) of this section shall be a deputy commissioner of the department or the director of a division in the department. The names of alternates shall be filed with the council.

Quorum

(e) Four public members and three designated members of the council constitute a quorum, but one or more of the members designated by the council may hold hearings. All decisions of the council shall be by a majority vote of the members present and voting.

(f) Members of the council or their alternates are entitled to per diem and travel expenses authorized by law for members of boards and commissions.

Appointment of Unexpired Terms

(g) If an incumbent public member ceases to meet the qualifications prescribed in (a)(1) of this section for nomination to the council or if a vacancy exists among the public members for any other reason except for a vacancy due to the expiration of the term of a public member, the governor shall, within 30 days of the establishment of the vacancy by lack of qualification or other reason, make an appointment, to be immediately effective, for the unexpired portion of the term. An appointment by the governor made under this subsection to fill an unexpired term of a public member shall comply with the requirements of (a)(1) of this section; however, the governor may appoint from qualified persons without soliciting from municipalities nominations of persons to fill the unexpired portion of the term. (§ 3 ch 84 SLA 1977; am Executive Order No. 39, § 11 (1977); am §§ 4, 5 ch 129 SLA 1978; am §§ 22, 23 ch 63 SLA 1983)

Effect of amendments. — The 1977 amendment substituted "Department of Transportation and Public Facilities" for "Department of Public Works" in (a)(2)(G).

The 1983 amendment, effective July 15, 1983, in (a)(2)(A) substituted "office of management and budget" for "division of policy development and planning", and in subsection (d) added the sentence beginning "The alternate for the director" and made other minor word changes.

Sec. 44.19.160. Powers of the council. The council may

(1) apply for and accept grants, contributions, and appropriations, including application for and acceptance of federal funds which may become available for coastal planning and management;

(2) contract for necessary services;

(3) consult and cooperate with

(A) persons, organizations, and groups, public or private, interested in, affected by, or concerned with coastal area planning and management;

(B) agents and officials of the coastal resource districts of the state, and federal and state agencies concerned with or having jurisdiction over coastal planning and management;

(4) take any reasonable action necessary to carry out the provisions of AS 44.19.155 — 44.19.162. (§ 3 ch 84 SLA 1977)

Sec. 44.19.161. Duties of the council. In conformity with the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the council shall

(1) through the public hearing process and the recording of the minutes of the hearings, develop guidelines and standards for the preparation of, and approve, in accordance with AS 46.40, the Alaska coastal management program;

(2) establish continuing coordination among state agencies to facilitate the development and implementation of the Alaska coastal management program; in carrying out its duties under this paragraph, the council shall initiate an interagency program of comprehensive coastal resource planning for each geographic region described in AS 44.19.155(a)(1);

(3) assure continued provision of data and information to coastal resource districts to carry out their planning and management functions under the program;

(4) submit annually to the legislature, no later than the 10th day of each regular session, the portion of the coastal management program approved or amended by the council during the preceding year. (§ 3 ch 84 SLA 1977)

Sec. 44.19.162. Council staff. The council shall use the staff of the office of coastal management within the office of management and budget in discharging its powers and duties. The coordinator of the office of coastal management, under the direction of the council co-chair who is selected from among the members designated in AS 44.19.155(a)(2), may contract with or employ personnel or consultants the coordinator considers necessary to carry out the powers and duties of the council. (§ 3 ch 84 SLA 1977; am § 24 ch 63 SLA 1983)

Effect of amendments. — The 1983 amendment, effective July 15, 1983, in the first sentence substituted "use" for "utilize" and substituted "office of management and budget" for "division of

policy development and planning," and in the second sentence substituted "of coastal management ... in AS 44.19.155(a)(2)" for "... with the concurrence of the council" and substituted "the coordinator" for "he."

Title 46

Chapter 40. The Alaska Coastal Management Program.

Article

1. Development of Alaska Coastal Management Program (§§ 46.40.010 — 46.40.100)
2. Coastal Management Programs in the Unorganized Borough (§§ 46.40.110 — 46.40.180)
3. General Provisions (§§ 46.40.190 — 46.40.210)

Opinions of attorney general. — The activities of lessees, permittees and other private persons on nonexclusive federal coastal lands remain subject to state regulatory authority — including the coastal management program — unless the particular state regulation is preempted by, irreconcilably conflicts with or frustrates the purpose of another federal law. February 3, 1978. Op. Att'y Gen.

While federal land use decisions will not be governed or controlled by the state's coastal management program, they must, to the degree that they directly affect nonfederal coastal resources, conform to the state program to the maximum extent practicable. February 3, 1978. Op. Att'y Gen.

Article 1. Development of Alaska Coastal Management Program.

Section

10. Development of Alaska coastal management program
20. Objectives
30. Development of district coastal management programs
40. Duties of the Alaska Coastal Policy Council
50. Action and submission by coastal resource districts

Section

60. Review and approval by council
70. Standards for council review and approval
80. Effective date of Alaska coastal management program
90. Implementation of district coastal management programs
100. Compliance and enforcement

Collateral references. — 78 Am. Jur. 2d, Waters, §§ 59-116, 375-438.

65 C.J.S., Navigable Waters, §§ 10-18, 20-132; 93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.010. Development of Alaska coastal management program. (a) The Alaska Coastal Policy Council established in AS 44.19.155 shall approve, in accordance with this chapter, the Alaska coastal management program.

(b) The council may approve the Alaska coastal management program for a portion or portions of the coastal area before approving the complete program under (a) of this section. Portions of the program approved under this subsection shall be incorporated into the Alaska coastal management program.

(c) The Alaska coastal management program shall be reviewed by the council and, when appropriate, revised to

(1) add newly approved district coastal management programs, or revisions and amendments to the Alaska coastal management program;

(2) integrate newly approved district coastal management programs, or revisions and amendments of district coastal management programs, with existing approved programs and with plans developed by state agencies;

(3) add new or revised state statutes, policies, regulations or other appropriate material;

(4) review the effectiveness of implementation of district coastal management programs; and

(5) consider new information acquired by the state and coastal resource districts.

(d) All reviews and revisions shall be in accordance with the guidelines and standards adopted by the council under AS 46.40.040. (§ 4 ch 84 SLA 1977)

Revisor's notes. — AS 44.19.155 was substituted for AS 44.19.891 in subsection (a) to conform to the renumbering of that section by the revisor of statutes pursuant to AS 01.05.031.

Opinions of attorney general. — The doctrine of federal preemption, derived from the supremacy clause of the United States Constitution, Article VI, clause 2, would not apply to state regulation of outer continental shelf activities in the coastal zone. May 12, 1980, Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan. incorporated into the Alaska Coastal Management Program, would be enforceable against off-shore federal lessees. May 12, 1980, Op. Att'y Gen.

Municipal authority to regulate oil and gas activities of federal lessees depends upon whether the leases are on-shore or off-shore. In the case of the former, the doctrine of federal preemption may prohibit

local coastal zone ordinances from affecting any measure of control. In the case of the latter, local coastal management programs which are approved by the Alaska Coastal Policy Council and thus part of the Alaska Coastal Management Program will become one of the touchstones in the state consistency determination required by section 307(c)(3) of the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq. May 12, 1980, Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980, Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and prohibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program. May 12, 1980, Op. Att'y Gen.

Sec. 46.40.020. Objectives. The Alaska coastal management program shall be consistent with the following objectives:

(1) the use, management, restoration and enhancement of the overall quality of the coastal environment;

(2) the development of industrial or commercial enterprises which are consistent with the social, cultural, historic, economic and environmental interests of the people of the state;

(3) the orderly, balanced utilization and protection of the resources of the coastal area consistent with sound conservation and sustained yield principles;

(4) the management of coastal land and water uses in such a manner that, generally, those uses which are economically or physically dependent on a coastal location are given higher priority when compared to uses which do not economically or physically require a coastal location;

(5) the protection and management of significant historic, cultural, natural and aesthetic values and natural systems or processes within the coastal area;

(6) the prevention of damage to or degradation of land and water reserved for their natural values as a result of inconsistent land or water usages adjacent to that land;

(7) the recognition of the need for a continuing supply of energy to meet the requirements of the state and the contribution of a share of the state's resources to meet national energy needs; and

(8) the full and fair evaluation of all demands on the land and water in the coastal area. (§ 4 ch 84 SLA 1977)

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File No. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.030. Development of district coastal management programs. Coastal resource districts shall develop and adopt district coastal management programs in accordance with the provisions of this chapter. The program adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives and standards governing the use of resources within the coastal area of the district. The program shall be consistent with the guidelines and standards adopted by the council under AS 46.40.040 and shall include:

(1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management program;

(2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management program;

(3) a statement of policies to be applied to the land and water uses subject to the district coastal management program;

(4) regulations, as appropriate, to be applied to the land and water uses subject to the district coastal management program;

(5) a description of the uses and activities which will be considered proper and the uses and activities which will be considered improper with respect to the land and water within the coastal area;

(6) a summary or statement of the policies which will be applied and the procedures which will be used to determine whether specific proposals for land or water uses or activities shall be allowed; and

(7) a designation of, and the policies which will be applied to the use of, areas within the coastal resource district which merit special attention. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — The adoption of forest practices regulations by the Department of Natural Resources in 11 AAC 96 has completely preempted the coastal policy council's regulations. 6 AAC 80.100, in regulating timber harvest and processing in the coastal area. April 20, 1981. Op. Atty Gen.

The allocation of responsibility for administration of the forest practices regulations in coastal management consistency determinations is sufficiently unclear that it seems appropriate for resolution by the

adoption of regulations since differing policy considerations emphasized in the Forest Practices Act, the Coastal Management Act, and proposed permit reform regulations will be served to a greater or lesser extent by assigning responsibility for interpreting and applying the forest practices regulations to more than one agency and since a particular result is not compelled under the various pieces of authorizing legislation. April 20, 1981. Op. Atty Gen.

Stated in *Hammond v. North Slope Borough*, Sup. Ct. Op. No. 2499 (File No. 5550, 5558), 645 P.2d 750 (1982).

Sec. 46.40.040. Duties of the Alaska Coastal Policy Council. Through the public hearing process and the recording of the minutes of the hearings, the Alaska Coastal Policy Council shall

(1) by regulation, adopt under the provisions of the Administrative Procedure Act (AS 44.62) not later than April 15, 1978, for the use of and application by coastal resource districts and state agencies for carrying out their responsibilities under this chapter; guidelines and standards for

(A) identifying the boundaries of the coastal area subject to the district coastal management program;

(B) determining the land and water uses and activities subject to the district coastal management program;

(C) developing policies applicable to the land and water uses subject to the district coastal management program;

(D) developing regulations applicable to the land and water uses subject to the district coastal management program;

(E) developing policies and procedures to determine whether specific proposals for the land and water uses or activities subject to the district coastal management program shall be allowed;

(F) designating and developing policies for the use of areas of the coast which merit special attention; and

(G) measuring the progress of a coastal resource district in meeting its responsibilities under this chapter;

(2) develop and maintain a program of technical and financial assistance to aid coastal resource districts in the development and implementation of district coastal management programs;

(3) undertake review and approval of district coastal management programs in accordance with this chapter;

(4) initiate a process for identifying and managing uses of state concern within specific areas of the coast;

(5) develop procedures or guidelines for consultation and coordination with federal agencies managing land or conducting activities potentially affecting the coastal area of the state. (§ 4 ch 84 SLA 1977; am § 1 ch 129 SLA 1978)

Effect of amendments. — The 1978 amendment substituted "not later than April 15, 1978" for "within six months of the effective date of this act" in the introductory language of paragraph (1).

Editor's notes. — The regulations referred to in this section went into effect on July 18, 1978 and may be found at 6 AAC 80 and 6 AAC 85.

Sec. 46.40.050. Action and submission by coastal resource districts. Each coastal resource district shall make substantial progress, in the opinion of the council, toward completion of an approvable district coastal management program and shall complete and submit to the council for approval its program within 30 months of June 4, 1977 or within 30 months of certification of the results of the district's organization, whichever is later. If, in the opinion of the council, after receipt of a written request for extension from the district which includes the reasons for the extension, an extension is considered proper, the council may grant an extension to a date which is not later than December 4, 1981, or to a date which is within 54 months of certification of the results of the district's organization, whichever is later. (§ 4 ch 84 SLA 1977; am § 1 ch 66 SLA 1979)

Effect of amendments. — The 1979 amendment added the second sentence.

Sec. 46.40.060. Review and approval by council. (a) If, upon submission of a district coastal management program for approval, the council finds that the program is substantially consistent with the provisions of this chapter and the guidelines and standards adopted by the council and does not arbitrarily or unreasonably restrict or exclude uses of state concern, the council may grant summary approval of the district coastal management program, or may approve portions of the district program which are consistent.

(b) If the council finds that a district coastal management program is not approvable or is approvable only in part under (a) of this section, it shall direct that deficiencies in the program submitted by the coastal resource district be mediated. In mediating the deficiencies, the council may call for one or more public hearings in the district. The council shall meet with officials of the coastal resource district in order to resolve differences.

(c) If, after mediation, the differences have not been resolved to the mutual agreement of the coastal resource district and the council, the council shall call for a public hearing and shall resolve the differences in accordance with the Administrative Procedure Act (AS 44.62). After a public hearing held under this subsection, the council shall enter findings and, by order, may require

(1) that the district coastal management program be amended to make it consistent with the provisions of this chapter or the guidelines and standards adopted by the council;

(2) that the district coastal management program be revised to accommodate a use of state concern; or

(3) any other action be taken by the coastal resource district as appropriate.

(d) The superior courts of the state have jurisdiction to enforce orders of the council entered under (c) of this section. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — The invalid provisions of AS 46.40.080 are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44.62. The effective date of council action on district programs is governed by the council's regulations and this section. April 29, 1980, Op. Att'y Gen.

Council action on a district coastal management plan takes effect upon final council

disposition of the plan under 6 AAC 85.150 or AS 44.62.520. April 29, 1980, Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exercise of municipal authority if that restriction or exclusion is reasonable, within the meaning of AS 46.40.070(c). May 12, 1980, Op. Att'y Gen.

Sec. 46.40.070. Standards for council review and approval. (a) The council shall approve a district coastal management program submitted for review and approval if the program is consistent with the provisions of this chapter and the guidelines and standards adopted by the council.

(b) Notwithstanding an inconsistency of a district coastal management program submitted for review and approval with the guidelines and standards adopted, the council shall approve the program if it finds that

(1) strict adherence to the guidelines and standards adopted would result in a violation of another state law or policy;

(2) strict adherence to the guidelines and standards adopted would cause or probably cause substantial irreparable harm to another interest or value in the coastal area of the district; or

(3) the inconsistency is of a technical nature and no substantial harm would result to the policies and objectives of this chapter or the Alaska coastal management program.

(c) In determining whether a restriction or exclusion of a use of state concern is arbitrary or unreasonable, the council shall approve the restriction or exclusion if it finds that

(1) the coastal resource district has consulted with and considered the views of appropriate federal, state or regional agencies;

(2) the district has based its restriction or exclusion on the availability of reasonable alternative sites; and

(3) the district has based its restriction or exclusion on an analysis showing that the proposed use is incompatible with the proposed site.

(d) A decision by the council under this section shall be given within 90 days. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — Reading subsection (b) as vesting local officials with complete control over policy formulation would probably render the Alaska Coastal Management Act unconstitutional under Alaska Const., art. VIII, § 2. May 12, 1980, Op. Att'y Gen.

Reasonable restrictions on oil and gas activities embodied in a local coastal management plan, incorporated into the Alaska Coastal Management Program, would be enforceable against off-shore federal lessees. May 12, 1980, Op. Att'y Gen.

A municipality enacting a local district coastal management program may restrict

or exclude a use of state concern without falling afoul of the constitutional limitations in Alaska Const., art. X, § 11 on the exclusion of municipal authority if that restriction or exclusion is reasonable within the meaning of subsection (c). May 12, 1980, Op. Att'y Gen.

The Alaska Oil and Gas Conservation Act, AS 31.05.005 et seq., which mandates the conservation of oil and gas and prohibits their waste, would not be contravened by a local coastal management plan which comports with the Alaska Coastal Management Program. May 12, 1980, Op. Att'y Gen.

Sec. 46.40.080. Effective date of Alaska coastal management program. The Alaska coastal management program adopted by the council, and any additions, revisions, or amendments of the program, take effect upon adoption of a concurrent resolution by a majority of the members of each house of the legislature or by a vote of the majority of the members of each house at the time the houses are convened in joint session to confirm executive appointments submitted by the governor. (§ 4 ch 84 SLA 1977)

Opinions of attorney general. — Under the decision in *State v. A.L.I.V.E. Voluntary*, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980), that the use of legislative resolutions as a veto over regulations, programs or other actions or proposed actions is constitutionally impermissible except as expressly provided by the constitution, this section is invalid. March 6, 1980, Op. Att'y Gen.

The invalid provisions of section are severable from the remainder of the Coastal Management Act. Thus, council guidelines take effect when adopted in accordance with the Administrative Procedure Act, AS 44.62. The effective date of council action on district programs is governed by the council's regulations, and AS 46.40.060. April 29, 1980, Op. Att'y Gen.

Council action on a district coastal management plan takes effect upon final council disposition of the plan under 6 AAC 85.150 or AS 44.62.520. April 29, 1980, Op. Att'y Gen.

Sec. 46.40.090. Implementation of district coastal management programs. (a) A district coastal management program approved by the council and the legislature for a coastal resource district which does not have and exercise zoning or other controls on the use of resources within the coastal area shall be implemented by appropriate state agencies. Implementation shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district.

(b) A coastal resource district which has and exercises zoning or other controls on the use of resources within the coastal area shall implement its district coastal management program. Implementation

shall be in accordance with the comprehensive use plan or the statement of needs, policies, objectives and standards adopted by the district. (§ 4 ch 84 SLA 1977)

Sec. 46.40.100. Compliance and enforcement. (a) Municipalities and state agencies shall administer land and water use regulations or controls in conformity with district coastal management programs approved by the council and the legislature and in effect.

(b) On petition of a coastal resource district, a citizen of the district, or a state agency, showing that a district coastal management program is not being implemented, enforced or complied with, the council shall convene a public hearing to consider the matter. A hearing called under this subsection shall be held in accordance with the Administrative Procedure Act (AS 44.62). After hearing, the council may order that the coastal resource district or state agency take any action which the council considers necessary to implement, enforce or comply with the district coastal management program.

(c) In determining whether an approved district coastal management program is being implemented, enforced or complied with by a coastal resource district which exercises zoning authority or controls on the use of resources within the coastal area, the council shall find in favor of the district if

(1) zoning or other regulations have been adopted and are being enforced;

(2) variances are being granted according to procedures and criteria which are elements of the district coastal management program, or the variance is otherwise approved by the council; and

(3) procedures and standards adopted by the coastal resource district as required by this chapter or by the guidelines and standards adopted by the council and subsequently approved by the legislature have been followed and considered.

(d) In determining whether a state agency is complying with a district coastal management program with respect to its exercise of regulation or control of the resources within the coastal area, the council shall find in favor of the agency if

(1) the use or activity for which the permit, license or approval is granted is consistent with the district coastal management program and regulations adopted under it; and

(2) the use or activity for which the permit, license or approval is granted is consistent with requirements imposed by state statute, regulation, or local ordinance applicable to the use or activity.

(e) The superior courts of the state have jurisdiction to enforce lawful orders of the council. (§ 4 ch 84 SLA 1977)

Appeal to Council

Opinions of attorney general. — As to effective date of coastal management programs, see notes under this heading following AS 46.40.080.

Article 2. Coastal Management Programs in the Unorganized Borough.

Section	Section
110. Authority in the unorganized borough	160. Organization at the direction of the council
120. Coastal resource service areas	170. Preparation of district coastal management program by the Department of Community and Regional Affairs
130. Organization of coastal resource service area	180. Approval of programs in coastal resource service areas
140. Coastal resource service area boards	
150. Elections in coastal resource service areas	

Collateral references. — 78 Am. Jur. 2d, Waters, §§ 59-116, 375-438. 65 C.J.S., Navigable Waters, §§ 10-18, 20-132; 93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.110. Authority in the unorganized borough. Under AS 29.03.020 and 46.40.110 — 46.40.180, the legislature authorizes organization of coastal resource service areas in the unorganized borough and grants authority to the service areas which may be organized to perform the duties required under this chapter. (§ 4 ch 84 SLA 1977)

Sec. 46.40.120. Coastal resource service areas. (a) Except as otherwise provided in this section, each regional educational attendance area established under AS 14.08.031 containing a part of the coastal area may be organized as a coastal resource service area.

(b) The commissioner of the Department of Community and Regional Affairs may, after public hearings held in the area affected, consolidate two or more regional educational attendance areas as a single coastal resource service area

(1) if a substantial portion of the coastal area contains land and water area owned by the federal government over which it exercises exclusive jurisdiction or land held in trust by the federal government for Alaska Natives over which the state would not exercise control as to use; or

(2) if, after giving due consideration to the standards applicable to incorporation of borough governments and the likelihood that a borough will be incorporated within the area, the commissioner determines that the functions to be performed under this chapter could be undertaken more efficiently through the combination of two or more regional educational attendance areas as a single coastal resource service area.

(c) A determination under (b) of this section shall be made before organization of the coastal resource service area.

(d) For purposes of coastal zone management only, the commissioner of the Department of Community and Regional Affairs may, after pub-

Consolidation of
REAA's

Division of REAA's

lic hearings held in the regional educational attendance area affected, divide an existing regional educational attendance area into no more than three coastal resource service areas according to geographic, cultural, economic, environmental, or other features relevant to coastal management planning. However

(1) each coastal resource service area formed by dividing an existing regional educational attendance area must contain at least one first class city or home rule city;

(2) a city within a coastal resource service area formed by dividing an existing regional educational attendance area may not elect to exclude itself from the coastal resource service area; and

(3) a coastal resource service area formed before June 1, 1980 may not be divided for coastal management planning purposes.

(§ 4 ch 84 SLA 1977; am § 2 ch 129 SLA 1978; am §§ 1, 2 ch 48 SLA 1980)

Effect of amendments. — The 1978 amendment deleted "and no later than six months from the effective date of this act" from the end of subsection (c).

The 1980 amendment inserted "otherwise" and deleted "(b) of" following "provided in" in subsection (a), and added subsection (d).

Sec. 46.40.130. Organization of coastal resource service area.

(a) Organization of a coastal resource service area may be initiated

(1) by submission to the council of a petition signed by a number of registered voters equal to 15 percent of the number of votes cast within the coastal resource service area at the last state general election;

(2) by submission to the council of a resolution approved by the city council or traditional village council of not less than 25 percent of the number of cities and villages within the coastal service area; or

(3) at the direction of a majority of the members of the council in the manner set out in AS 46.40.160.

(b) Acting at the request of the council, the lieutenant governor, not less than 60 nor more than 90 days after receipt of a proper petition under (a)(1) of this section, a proper resolution under (a)(2) of this section, or at the direction of the council under (a)(3) of this section, shall conduct an election on the question of organization of a coastal resource service area. (§ 4 ch 84 SLA 1977)

Revisor's notes. — The word "by" was added preceding "submission" in paragraphs (1) and (2) of subsection (a) and deleted following "may be initiated" in the

introductory language of that subsection by the revisor of statutes under AS 01.05.031.

Sec. 46.40.140. Coastal resource service area boards. (a) Each coastal resource service area, upon organization, shall have an elected board representing the population of the service area. The board shall have the powers and duties and perform the functions prescribed for or required of coastal resource districts.

Sectional CRSA Elections

(b) A coastal resource service area board shall contain seven members. Board members shall be elected at large by the qualified voters of the coastal resource service area.

(c) The commissioner of the Department of Community and Regional Affairs, after consultation with residents of a coastal resource service area, may divide a service area into sections only for the purpose of nominating and electing board members. Division of a service area into sections for the purpose of nomination and election shall be in accordance with the provisions of AS 14.08.051(a). Division may be proposed in the petition submitted under AS 46.40.130(a)(1), in the resolution submitted under AS 46.40.130(a)(2), at the direction of the council under AS 46.40.130(a)(3), or may be proposed at any time by the members of the coastal resource service area board. If proposed by the board, the division of the service area into sections is subject to approval of a majority of the qualified voters voting on the question in the coastal resource service area at the next regular election or at a special election called for that purpose and, if approved, takes effect at the next regular election of members of the coastal resource service area board.

Term of Office

(d) The term of office of a member of a coastal resource service area board is three years, except that the terms of the members of the first board elected after organization of a coastal resource service area shall be determined by lot, with two members serving one-year terms, two members serving two-year terms, and three members serving three-year terms. Members serve until their successors are elected and have qualified. Nothing in this section prohibits the reelection of a board member.

(e) The lieutenant governor shall provide for the election of the members of coastal resource service area boards. The first election of board members shall occur not less than 60 nor more than 90 days after certification of the results of an organization election under AS 46.40.130(b) in which a majority of votes cast favors organization of the coastal resource service area.

(f) Except for the first election of members of coastal resource service area boards, elections shall be held annually on the date of election of members of regional educational attendance area boards under AS 14.08.071(b).

(g) A vacancy on a coastal resource service area board shall be filled by appointment as provided in AS 14.08.041(a) for vacancies in the membership of regional educational attendance area boards.

(h) Members of coastal resource service area boards are subject to recall on the same grounds and in the same manner as provided for recall of municipal officials in AS 29.28.130 — 29.28.250. The lieutenant governor functions in place of the assembly or council and municipal clerk for receipt and review of recall petitions and the conduct of recall elections. (§ 4 ch 84 SLA 1977)

Sec. 46.40.150. Elections in coastal resource service areas. Organization elections under AS 46.40.130 and other elections, including recall elections conducted under AS 46.40.140, shall be administered by the lieutenant governor in the general manner provided in the Alaska Election Code (AS 15). In addition, the lieutenant governor may adopt regulations necessary to the conduct of coastal resource service area board elections. The state shall pay all election costs. (§ 4 ch 84 SLA 1977)

Editor's notes. — The director of elections has succeeded to most of the administrative duties of the lieutenant governor under AS 15.10.105.

Sec. 46.40.160. Organization at the direction of the council. (a) Whenever it appears that major economic development activity will occur in a coastal resource service area or in waters adjacent to a coastal resource service area which has not been organized, the council may direct the lieutenant governor to submit to the voters of the service area the question of organization. The council may require an election on the question only after holding at least one public hearing within the area proposed for organization.

(b) For purposes of this section, "major economic development activity" includes a call for nomination by the Secretary of the United States Department of the Interior for leasing of tracts within petroleum basins in waters of the outer continental shelf adjacent to the coastal resource service area or any other significant industrial or commercial activity which, in the opinion of the council, would commit the resources of the coastal area to a use of direct and significant impact upon the coastal waters of the state. (§ 4 ch 84 SLA 1977)

Sec. 46.40.170. Preparation of district coastal management program by the Department of Community and Regional Affairs.

(a) If residents of a coastal resource service area reject organization of the service area at an election called for the purpose and the council finds, after public hearing, that major economic development activity has occurred or will occur within the service area, the council may direct the Department of Community and Regional Affairs to prepare and recommend for consideration by the council and for submission to the legislature a district coastal management program for the service area.

(b) At the request of the council, the Department of Community and Regional Affairs shall complete the district coastal management program in accordance with this chapter and the guidelines and standards adopted by the council for a coastal resource service area which has been organized but which has failed to make substantial progress in the preparation of an approvable district coastal management program within 18 months of certification of the results of an organization election or which has not submitted for approval to the council a pro-

gram within 30 months of certification of the results of its organization election. Preparation of the program shall be conducted in consultation with the coastal resource service area and shall, to the maximum extent consistent with this chapter, reflect the expressed concerns of the residents of the service area.

(c) Before requesting the department to complete the district coastal management program under (b) of this section, the council shall meet with the members of the coastal resource service area board to determine whether the board is able to complete a district coastal management program within the time limitations established in this section. (§ 4 ch 84 SLA 1977)

Sec. 46.40.180. Approval of programs in coastal resource service areas. (a) Before adoption by a coastal resource service area board, or by the Department of Community and Regional Affairs under AS 46.40.170, a district coastal management program shall be submitted for review to each city or village within the coastal resource service area. The council of a city or traditional village council shall consider the program submitted for review. Within 60 days of submission, the council of a city or traditional village council shall either approve the program or enter objections to all or any portion of the program.

Village Veto

(b) If a city or village within a coastal resource service area fails to approve a portion of the district coastal management program prepared and submitted for approval under (a) of this section, the governing body shall advise the coastal resource service area board or the department, as applicable, of its objections to the proposed program and suggest alternative elements or components for inclusion in the district coastal management program. New matter submitted by a city or village which is substantially consistent with the guidelines and standards adopted by the council shall be accepted and the district coastal management program modified accordingly. If a city or village fails to provide objections and suggested alternatives within the time limits established in this section, the coastal resource service area board or the department, as applicable, may adopt the district coastal management program as initially offered.

(c) Objection by a city council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the corporate limits of the city. Objection by a traditional village council under (b) of this section is limited to objection to elements of the program affecting resources or the use of resources within the village or within two miles of the village.

(d) For purposes of this section, "village" means an unincorporated community where at least 25 persons reside as a social unit as determined by the Department of Community and Regional Affairs. (§ 4 ch 84 SLA 1977)

Article 3. General Provisions.

Section

- 190. Cooperative administration
- 200. State agencies
- 210. Definitions

Collateral references. — 78 Am. Jur. 65 C.J.S., Navigable Waters, §§ 10-18.
2d, Waters, §§ 59-116, 375-438. 20-132; 93 C.J.S., Waters, §§ 71-85.

Sec. 46.40.190. Cooperative administration. (a) A city within the coastal area which is not part of a coastal resource service area shall be included for purposes of this chapter within an adjacent coastal resource service area unless its governing body, by resolution adopted by a majority of its membership, chooses to exclude the city from an adjacent coastal resource service area and a copy of the resolution is filed with the commissioner of the Department of Community and Regional Affairs.

(b) Nothing in this chapter restricts or prohibits cooperative or joint administration of functions between a municipality and a coastal resource service area organized under the provisions of this chapter upon initiation of a mutual agreement for the purpose. A city which elects to be excluded from an adjacent coastal resource service area under (a) of this section shall enter into a mutual agreement for cooperative or joint administration of functions with the coastal resource service area board from the adjacent coastal resource service area. (§ 4 ch 84 SLA 1977; am § 3 ch 48 SLA 1980)

Effect of amendments. — The 1980 amendment, substituted "a" for "an adjacent" preceding "coastal resource", "shall be included" for "may include itself", "unless" for "if", "chooses to exclude" for "consents to the inclusion of", inserted "from an adjacent coastal resource service area", all in subsection (a); and added the second sentence of subsection (b).

Sec. 46.40.200. State agencies. Upon the adoption of the Alaska coastal management program, state departments, boards and commissions shall review their statutory authority, administrative regulations, and applicable procedures pertaining to land and water uses within the coastal area for the purpose of determining whether there are any deficiencies or inconsistencies which prohibit compliance with the program adopted. State agencies shall, within six months of the effective date of the Alaska coastal management program, take whatever action is necessary to facilitate full compliance with and implementation of the program, including preparation and submission of recommendations to the council for additional or amended legislation. (§ 4 ch 84 SLA 1977)

Sec. 46.40.210. Definitions. In this chapter, unless the context otherwise requires,

(1) "area which merits special attention" means a delineated geographic area within the coastal area which is sensitive to change or alteration and which, because of plans or commitments or because a claim on the resources within the area delineated would preclude subsequent use of the resources to a conflicting or incompatible use, warrants special management attention, or which, because of its value to the general public, should be identified for current or future planning, protection, or acquisition; these areas, subject to council definition of criteria for their identification, include:

(A) areas of unique, scarce, fragile or vulnerable natural habitat, cultural value, historical significance, or scenic importance;

(B) areas of high natural productivity or essential habitat for living resources;

(C) areas of substantial recreational value or opportunity;

(D) areas where development of facilities is dependent upon the utilization of, or access to, coastal waters;

(E) areas of unique geologic or topographic significance which are susceptible to industrial or commercial development;

(F) areas of significant hazard due to storms, slides, floods, erosion or settlement; and

(G) areas needed to protect, maintain, or replenish coastal land or resources, including coastal flood plains, aquifer recharge areas, beaches and offshore sand deposits;

(2) "coastal resource district" means each of the following which contains a portion of the coastal area of the state:

(A) unified municipalities established under AS 29.68.240 — 29.68.440;

(B) organized boroughs of any class which exercise planning and zoning authority;

(C) home rule and first class cities of the unorganized borough or within boroughs which do not exercise planning and zoning authority;

(D) second class cities of the unorganized borough, or within boroughs which do not exercise planning and zoning authority, which have established a planning commission, and which, in the opinion of the commissioner of the Department of Community and Regional Affairs, have the capability of preparing and implementing a comprehensive district coastal management program under AS 46.40.030;

(E) coastal resource service areas established and organized under AS 29.03.020 and 46.40.110 — 46.40.180;

(3) "council" means the Alaska Coastal Policy Council;

(4) "department" means the Department of Community and Regional Affairs;

(5) "use of direct and significant impact" means a use, or an activity associated with the use, which proximately contributes to a material

change or alteration in the natural or social characteristics of a part of the state's coastal area and in which

(A) the use, or activity associated with it, would have a net adverse effect on the quality of the resources of the coastal area;

(B) the use, or activity associated with it, would limit the range of alternative uses of the resources of the coastal area; or

(C) the use would, of itself, constitute a tolerable change or alteration of the resources within the coastal area but which, cumulatively, would have an adverse effect;

(6) "uses of state concern" means those land and water uses which would significantly affect the long-term public interest; these uses, subject to council definition of their extent, include:

(A) uses of national interest, including the use of resources for the siting of ports and major facilities which contribute to meeting national energy needs, construction and maintenance of navigational facilities and systems, resource development of federal land, and national defense and related security facilities that are dependent upon coastal locations;

(B) uses of more than local concern, including those land and water uses which confer significant environmental, social, cultural, or economic benefits or burdens beyond a single coastal resource district;

(C) the siting of major energy facilities, activities pursuant to a state oil and gas lease, or large-scale industrial or commercial development activities which are dependent on a coastal location and which, because of their magnitude or the magnitude of their effect on the economy of the state or the surrounding area, are reasonably likely to present issues of more than local significance;

(D) facilities serving statewide or interregional transportation and communication needs; and

(E) uses in areas established as state parks or recreational areas under AS 41.21 or as state game refuges, game sanctuaries or critical habitat areas under AS 16.20. (§ 4 ch 84 SLA 1977; am § 3 ch 129 SLA 1978)

Effect of amendments. — The 1978 amendment inserted "activities pursuant to a state oil and gas lease" in subparagraph (C) of paragraph (6).

Revisor's notes. — Internal reference in paragraph (6)(E) was revised in 1983.

COASTAL ZONE MANAGEMENT ACT OF 1972

(PL 92-583, 16 U.S.C. 1451 *et seq.*, October 27, 1972; Amended by PL 93-612, January 2, 1975; PL 94-370, July 26, 1976; PL 95-219, December 28, 1977; PL 95-372, September 18, 1978; PL 96-464, October 17, 1980; PL 98-620, November 11, 1984; PL 99-272, April 7, 1986)

SHORT TITLE

SEC. 301. This title may be cited as the "Coastal Zone Management Act of 1972".

CONGRESSIONAL FINDINGS

SEC. 302. The Congress finds that —

(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone.

(b) The coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation.

(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost.

[302(f) added by PL 96-464]

(f) New and expanding demands for food, energy, minerals, defense needs, recreation, waste disposal, transportation, and industrial activities in the Great

Lakes, territorial sea, and Outer Continental Shelf are placing stress on these areas and are creating the need for resolution of serious conflicts among important and competing uses and values in coastal and ocean waters. [Former 302(f)—(i) redesignated as (g)—(j) by PL 96-464]

(g) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values.

(h) In light of competing demands and the urgent need to protect and to give high priority to natural systems in the coastal zone, present state and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate.

(i) The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the states to exercise their full authority over the lands and waters in the coastal zone by assisting the states, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

(j) The national objective of attaining a greater degree of energy self-sufficiency would be advanced by providing Federal financial assistance to meet state and local needs resulting from new or expanded energy activity in or affecting the coastal zone.

CONGRESSIONAL DECLARATION OF POLICY

SEC. 303. The Congress finds and declares that it is the national policy—

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations:

(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development, which programs should at least provide for—

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas of subsidence and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands.

(C) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(D) public access to the coasts for recreation purposes,

(E) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and esthetic coastal features,

(F) the coordination and simplification of procedures in order to ensure expedited governmental decision-making for the management of coastal resources,

(G) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(H) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decisionmaking, and

(I) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies; and

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection

of life and property in hazardous areas, and improved predictability in governmental decisionmaking; and

(4) to encourage the participation and cooperation of the public, state and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this title.

[303 revised by PL 96-464]

DEFINITIONS

SEC. 304. For the purposes of this title —

(1) The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the United States territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

[304(2) added by PL 96-464]

(2) The term "coastal resource of national significance" means any coastal wetland, beach, dune, barrier island, reef, estuary, or fish and wildlife habitat, if any such area is determined by a coastal state to be of substantial biological or natural storm protective value. [Former 304(2)—(16) redesignated as (3)—(17) by PL 96-464]

(3) The term "coastal waters" means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

(4) The term "coastal state" means a state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern

Mariana Islands, and the Trust Territories of the Pacific Islands, and American Samoa.

[304(4) amended by PL 96-464]

(5) The term "coastal energy activity" means any of the following activities if, and to the extent that (A) the conduct, support, or facilitation of such activity requires and involves the siting, construction, expansion, or operation of any equipment or facility; and (B) any technical requirement exists which, in the determination of the Secretary, necessitates that the siting, construction, expansion, or operation of such equipment or facility be carried out in, or in close proximity to, the coastal zone of any coastal state:

(i) Any outer Continental Shelf energy activity.

(ii) Any transportation, conversion, treatment, transfer, or storage of liquefied natural gas.

(iii) Any transportation, transfer, or storage of oil, natural gas, or coal (including, but not limited to, by means of any deep-water port, as defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502(10))).

For purposes of this paragraph, the siting, construction, expansion, or operation of any equipment or facility shall be in close proximity to the coastal zone of any coastal state if such siting, construction, expansion, or operation has, or is likely to have, a significant effect on such coastal zone.

(6) The term "energy facilities" means any equipment or facility which is or will be used primarily —

(A) in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or

(B) for the manufacture, production, or assembly of equipment, machinery, products, or devices which are involved in any activity described in subparagraph (A).

The term includes, but is not limited to (i) electric generating plants; (ii) petroleum refineries and associated facilities; (iii) gasification plants; (iv) facilities used for the transportation, conversion, treatment, transfer, or storage of liquefied natural gas; (v) uranium enrichment or nuclear fuel processing facilities; (vi) oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes; (vii) facilities including deepwater ports, for the transfer of petroleum; (viii) pipelines and transmission facilities; and (ix) terminals which are associated with any of the foregoing.

(7) The term "estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(8) The term "estuarine sanctuary" means a research area which may include any part or all of an estuary and

any island, transitional area, and upland in, adjoining, or adjacent to such estuary, and which constitute to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

(9) The term "Fund" means the Coastal Energy Impact Fund established by section 308(h).

(10) The term "land use" means activities which are conducted in, or on the shorelands within, the coastal zone, subject to the requirements outlined in section 307(g).

(11) The term "local government" means any political subdivision of, or any special entity created by, any coastal state which (in whole or part) is located in, or has authority over, such state's coastal zone and which (A) has authority to levy taxes, or to establish and collect user fees, or (B) provides any public facility or public service which is financed in whole or part by taxes or user fees. The term includes, but is not limited to, any school district, fire district, transportation authority, and any other special purpose district or authority.

(12) The term "management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone.

(13) The term "outer continental shelf energy activity" means any exploration for, or any development or production of, oil or natural gas from the outer continental shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), or the siting, construction, expansion, or operation of any new or expanded energy facilities directly required by such exploration, development, or production.

(14) The term "person" means any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

(15) The term "public facilities and public services" means facilities or services which are financed, in whole or in part, by any state or political subdivision thereof, including, but not limited to, highways and secondary roads, parking, mass transit, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care. Such term may also include any other facility or service so financed which the Secretary finds will support increased population.

(16) The term "Secretary" means the Secretary of Commerce.

(17) The term "special area management plan" means a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies; standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone.

[304(17) added by PL 96-464]

(18) The term "water use" means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of section 307(f).

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) The Secretary may make grants to any coastal state —

(1) under subsection (c) for the purpose of assisting such state in the development of a management program for the land and water resources of its coastal zone; and

(2) under subsection (d) for the purpose of assisting such state in the completion of the development, and the initial implementation, of its management program before such state qualifies for administrative grants under section 306.

(b) The management program for each coastal state shall include each of the following requirements:

(1) An identification of the boundaries of the coastal zone subject to the management program.

(2) A definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters.

(3) An inventory and designation of areas of particular concern within the coastal zone.

(4) An identification of the means by which the state proposes to exert control over the land uses and water uses referred to in paragraph (2), including a listing of relevant constitutional provisions, laws, regulations, and judicial decisions.

(5) Broad guidelines on priorities of uses in particular areas, including specifically those uses of lowest priority.

(6) A description of the organizational structure proposed to implement such management program, including the responsibilities and interrelationships of local, areawide, state, regional, and interstate agencies in the management process.

(7) A definition of the term "beach" and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.

(8) A planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities.

(9) A planning process for (A) assessing the effects of shoreline erosion (however caused), and (B) studying and evaluating ways to control, or lessen the impact of, such erosion, and to restore areas adversely affected by such erosion.

No management program is required to meet the requirements in paragraphs (7), (8), and (9) before October 1, 1978.

(c) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(1) if such state reasonably demonstrates to the satisfaction of the Secretary that such grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed 80 per centum of such state's costs for such purposes in any one year. No coastal state is eligible to receive more than four grants pursuant to this subsection. After the initial grant is made to any coastal state pursuant to this subsection, no subsequent grant shall be made to such state pursuant to this subsection unless the Secretary finds that such state is satisfactorily developing its management program.

(d)(1) The Secretary may make a grant annually to any coastal state for the purposes described in subsection (a)(2) if the Secretary finds that such state meets the eligibility requirements set forth in paragraph (2). The amount of any such grant shall not exceed 80 per centum of the costs for such purposes in any one year.

(2) A coastal state is eligible to receive grants under this subsection if it has —

(A) developed a management program which —

(i) is in compliance with the rules and regulations promulgated to carry out subsection (b), but

(ii) has not yet been approved by the Secretary under section 306;

(B) specifically identified, after consultation with the Secretary, any deficiency in such program which makes it ineligible for approval by the Secretary pursuant to section 306, and has established a reasonable time schedule during which it can remedy any such deficiency;

(C) specified the purposes for which any such grant will be used;

(D) taken or is taking adequate steps to meet any requirement under section 306 or 307 which involves any Federal official or agency; and

(E) complied with any other requirement which the Secretary, by rules and regulations, prescribes as being necessary and appropriate to carry out the purposes of this subsection.

(3) No management program for which grants are made under this subsection shall be considered an approved program for purposes of section 307.

(e) Grants under this section shall be made to, and allocated among, the coastal states pursuant to rules and regulations promulgated by the Secretary; except that —

(1) no grant shall be made under this section in an amount which is more than 10 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary may waive this limitation in the case of any coastal state which is eligible for grants under subsection (d); and

(2) no grant shall be made under this section in an amount which is less than 1 per centum of the total amount appropriated to carry out the purposes of this section, but the Secretary shall waive this limitation in the case of any coastal state which requests such a waiver.

(f) The amount of any grant (or portion thereof) made under this section which is not obligated by the coastal state concerned during the fiscal year for which it was first authorized to be obligated by such state, or during the fiscal year immediately following, shall revert to the Secretary who shall add such amount to the funds available for grants under this section.

(g) With the approval of the Secretary, any coastal state may allocate to any local government, to any areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, to any regional agency, or to any interstate agency, a portion of any grant received by it under this section for the purpose of carrying out the provisions of this section.

(h) Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306. Whenever the Secretary approves the management program of any coastal state under section 306, such state thereafter —

(1) shall not be eligible for grants under this section; except that such state may receive grants under subsection (c) in order to comply with the requirements of paragraphs (7), (8), and (9) of subsection (b); and

(2) shall be eligible for grants under section 306.

(i) The authority to make grants under this section shall expire on September 3, 1979.

ADMINISTRATIVE GRANTS

SEC. 306. (a) The Secretary may make grants to any coastal state for the purpose of administering that state's

management program, if the state matches any such grant according to the following ratios of Federal to state contributions for the applicable fiscal year: 4 to 1 for fiscal year 1986; 2.3 to 1 for fiscal year 1987; 1.5 to 1 for fiscal year 1988; 1 to 1 for any fiscal year after fiscal year 1988. The Secretary may make the grant only if the Secretary—

(1) finds that such program meets the requirements of section 305(b);

(2) approves such program in accordance with subsections (c), (d) and (e); and

(3) finds, if such program has been administered with financial assistance under this section for at least one year, that the coastal state will expend an increasing proportion of each grant received under this section (but not more than 30 per centum of the grant unless the state chooses to expend a higher percentage) on activities that will result in significant improvement being made in achieving the coastal management objectives specified in section 303(2)(A) through (I). For purposes of this subsection, the costs of administering a management program includes costs incurred in the carrying out, in a manner consistent with the procedures and processes specified therein, of projects and other activities (other than those of a kind referred to in clauses (A), (B), or (C) of section 306A(c)(2) that are necessary or appropriate to the implementation of the management program.

[306(a) revised by PL 96-464; PL 99-272]

(b) Such grants shall be allocated to the states with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided*, That no annual grant made under this section shall be less than 1 per centum of the total amount appropriated to carry out the purposes of this section: *And provided further*, That the Secretary shall waive the application of the 1 per centum minimum requirement as to any grant under this section, when the coastal State involved requests such a waiver.

[306(b) amended by PL 93-612; PL 96-464]

(c) Prior to granting approval of a management program submitted by a coastal state, the Secretary shall find that:

(1) The state has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities,

and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

(2) The state has:

(A) coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the state's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title; except that the Secretary shall not find any mechanism to be 'effective' for purposes of this subparagraph unless it includes each of the following requirements:

(i) Such management agency is required, before implementing any management program decision which would conflict with any local zoning ordinance, decision, or other action, to send a notice of such management program decision to any local government whose zoning authority is affected thereby.

(ii) Any such notice shall provide that such local government may, within the 30-day period commencing on the date of receipt of such notice, submit to the management agency written comments on such management program decision, and any recommendation for alternatives thereto, if no action is taken during such period which would conflict or interfere with such management program decision, unless such local government waives its right to comment.

(iii) Such management agency, if any such comments are submitted to it, with such 30-day period, by any local government —

(I) is required to consider any such comments.

(II) is authorized, in its discretion, to hold a public hearing on such comments, and

(III) may not take any action within such 30-day period to implement the management program decision, whether or not modified on the basis of such comments.

(3) The state has held public hearings in the development of the management program.

(4) The management program and any changes thereto have been reviewed and approved by the Governor.

(5) The Governor of the state has designated a single agency to receive and administer the grants for im-

plementing the management program required under paragraph (1) of this subsection.

(6) The state is organized to implement the management program required under paragraph (1) of this subsection.

(7) The state has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, such state's coastal zone) which are necessary to meet requirements which are other than local in nature. In the case of such energy facilities, the Secretary shall find that the state has given such consideration to any applicable interstate energy plan or program.

(9) The management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values.

(d) Prior to granting approval of the management program, the Secretary shall find that the state, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power —

(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(e) Prior to granting approval, the Secretary shall also find that the program provides:

(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(B) Direct state land and water use planning and regulation; or

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any state or local authority or private developer, with power to ap-

prove or disapprove after public notice and an opportunity for hearings.

(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

(f) With the approval of the Secretary, a state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of the grant under this section for the purpose of carrying out the provisions of this section. *Provided*, That such allocation shall not relieve the state of the responsibility for ensuring that any funds so allocated are applied in furtherance of such state's approved management program.

(g) Any coastal state may amend or modify the management program which it has submitted and which has been approved by the Secretary under this section, pursuant to the required procedures described in subsection (c), and subject to the following conditions:

(1) The state shall promptly notify the Secretary of any proposed amendment, modification or other program change and submit it for Secretarial approval. The Secretary may suspend all or part of any grant made under this section pending state submission of the proposed amendments, modification or other program change.

(2) Within 30 days from the date on which the Secretary receives any proposed amendment, the Secretary shall notify the state whether the Secretary approves or disapproves the amendment, or whether the Secretary finds it is necessary to extend the review of the proposed amendment for a period not to exceed 120 days from the date the Secretary received the proposed amendment. The Secretary may extend this 120-day period only as necessary to meet the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(3) The state may not implement any proposed amendment as part of its approved program pursuant to section 306, until after the proposed amendment has been approved by the Secretary.

[306(g) revised by PL 99-272]

(h) At the discretion of the state and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs. *Provided*, That the state adequately provides for the ultimate coordination of the various segments of

the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

(i) The coastal states are encouraged to provide in their management programs for—

(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

(B) specific and enforceable standards to protect such resources.

If the Secretary determines that a coastal state has failed to make satisfactory progress in the activities described in this subsection by September 30, 1984, the Secretary shall not make any grants to such state provided under section 306A after such date.

[306(i) added by PL 96-464]

[Editor's note: Section 5(b) of PL 96-464 provides:

"(b) The amendments made by subsection (a)(1) and (2)* of this section apply with respect to grants made after September 30, 1980, under section 306 of the Coastal Zone Management Act of 1972 and, within two hundred and seventy days after such date, the Secretary of Commerce shall issue regulations relating to the administration of subsection (a) of such section 306 (as so amended by such subsection (a)(1))."]

RESOURCE MANAGEMENT IMPROVEMENT GRANTS

[306A added by PL 96-464]

SEC. 306A. (a) For purposes of this section—

(1) The term 'eligible coastal state' means a coastal state that for any fiscal year for which a grant is applied for under this section—

((A) has a management program approved under section 306; and

(B) in the judgment of the Secretary, is making satisfactory progress in activities designed to result in significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I).

(2) The term 'urban waterfront and port' means any developed area that is densely populated and is being used for, or has been used for, urban residential recreational, commercial, shipping or industrial purposes.

(b) The Secretary may make grants to any eligible coastal state to assist that state in meeting one or more of the following objectives:

*Subsections (a)(1) and (2) amended Section 306(a) and (h), respectively, of this Act.

(1) The preservation or restoration of specific areas of the state that (A) are designated under the management program procedures required by section 306 (c)(9) because of their conservation recreational, ecological, or esthetic values, or (B) contain one or more coastal resources of national significance.

(2) The redevelopment of deteriorating and underutilized urban waterfronts and ports that are designated under section 305(b)(3) in the state's management program as areas of particular concern.

(3) The provision of access of public beaches and other public coastal areas and to coastal waters in accordance with the planning process required under section 305(b)(7).

(c) (1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

(2) Grants made under this section may be used for—

(A) the acquisition of fee simple and other interests in land;

(B) low-cost construction projects determined by the Secretary to be consistent with the purposes of this section, including but not limited to, paths, walkways, fences, parks, and the rehabilitation of historic buildings and structures; except that not more than 50 per centum of any grant made under this section may be used for such construction projects;

(C) in the case of grants made for objectives described in subsection (b)(2)—

(i) the rehabilitation or acquisition of piers to provide increased public use, including compatible commercial activity,

(ii) the establishment of shoreline stabilization measures including the installation or rehabilitation of bulkheads for the purpose of public safety or increasing public access and use, and

(iii) the removal or replacement of pilings where such action will provide increased recreational use of urban waterfront areas, but activities provided for under this paragraph shall not be treated as construction projects subject to the limitations in paragraph (B);

(D) engineering designs, specifications, and other appropriate reports; and

(E) educational, interpretive, and management costs and such other related costs as the Secretary determines to be consistent with the purposes of this section.

(d)(1) The Secretary may make grants to any coastal state for the purpose of carrying out the project or purpose for which such grants are awarded, if the state matches any such grant according to the following ratios of Federal to state contribution for the applicable fiscal year: 4 to 1 for fiscal 1986; 2.3 to 1 for fiscal year 1987;

1.5 to 1 for fiscal year 1988; and 1 to 1 for each fiscal year after fiscal year 1988.

[Former 306A(d)(1) deleted and new (d)(1) added by PL 99-272]

(2) Grants provided under this section may be used to pay a coastal state's share of costs required under any other Federal program that is consistent with the purposes of this section.

(3) The total amount of grants made under this section to any eligible coastal state for any fiscal year may not exceed an amount equal to 10 per centum of the total amount appropriated to carry out this section for such fiscal year.

(e) With the approval of the Secretary, an eligible coastal state may allocate to a local government, an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency, a portion of any grant made under this section for the purpose of carrying out this section; except that such an allocation shall not relieve that state of the responsibility for ensuring that any funds so allocated are applied in furtherance of the state's approved management program.

(f) In addition to providing grants under this section, the Secretary shall assist eligible coastal states and their local governments in identifying and obtaining other sources of available Federal technical and financial assistance regarding the objectives of this section.

COORDINATION AND COOPERATION

SEC. 307. (a) In carrying out his functions and responsibilities under this title, the Secretary shall consult with, cooperate with, and, to the maximum extent practicable, coordinate his activities with other interested Federal agencies.

(b) The Secretary shall not approve the management program submitted by a state pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered.

(c)(1) Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

(2) Any Federal agency which shall undertake any development project in the coastal zone of a state shall insure that the project is, to the maximum extent practicable, consistent with approved state management programs.

(3)(A) After final approval by the Secretary of a state's management program, any applicant for a required Federal license or permit to conduct an activity affecting land or water uses in the coastal zone of that state shall

provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the state's approved program and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish to the state or its designated agency a copy of the certification, with all necessary information and data. Each coastal state shall establish procedures for public notice in the case of all such certifications and, to the extent it deems appropriate, procedures for public hearings in connection therewith. At the earliest practicable time, the state or its designated agency shall notify the Federal agency concerned that the state concurs with or objects to the applicant's certification. If the state or its designated agency fails to furnish the required notification within six months after receipt of its copy of the applicant's certification, the state's concurrence with the certification shall be conclusively presumed. No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification or until, by the state's failure to act, the concurrence is conclusively presumed, unless the Secretary, on his own initiative or upon appeal by the applicant, finds, after providing a reasonable opportunity for detailed comments from the Federal agency involved and from the state, that the activity is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

(B) After the management program of any coastal state has been approved by the Secretary under section 306, any person who submits to the Secretary of the Interior any plan for the exploration or development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and regulations under such Act shall, with respect to any exploration, development, or production described in such plan and affecting any land use or water use in the coastal zone of such state, attach to such plan a certification that each activity which is described in detail in such plan complies with such state's approved management program and will be carried out in a manner consistent with such program. No Federal official or agency shall grant such person any license or permit for any activity described in detail in such plan until such state or its designated agency receives a copy of such certification and plan, together with any other necessary data and information, and until —

(i) such state or its designated agency, in accordance with the procedures required to be established by such state pursuant to subparagraph (A), concurs with such person's certification and notifies the Secretary and the Secretary of the Interior of such concurrence;

(ii) concurrence by such state with such certification is conclusively presumed as provided for in subparagraph

(A), except if such state fails to concur with or object to such certification within three months after receipt of its copy of such certification and supporting information, such state shall provide the Secretary, the appropriate federal agency, and such person with a written statement describing the status of review and the basis for further delay in issuing a final decision, and if such statement is not so provided, concurrence by such state with such certification shall be conclusively presumed; or

[(ii) revised by PL 95-372, September 18, 1978]

(iii) the Secretary finds, pursuant to subparagraph (A), that each activity which is described in detail in such plan is consistent with the objectives of this title or is otherwise necessary in the interest of national security.

If a state concurs or is conclusively presumed to concur, or if the Secretary makes such a finding, the provisions of subparagraph (A) are not applicable with respect to such person, such state, and any Federal license or permit which is required to conduct any activity affecting land uses or water uses in the coastal zone of such state which is described in detail in the plan to which such concurrence or finding applies. If such state objects to such certification and if the Secretary fails to make a finding under clause (iii) with respect to such certification, or if such person fails substantially to comply with such plan as submitted, such person shall submit an amendment to such plan, or a new plan, to the Secretary of the Interior. With respect to any amendment or new plan submitted to the Secretary of the Interior pursuant to the preceding sentence, the applicable time period for purposes of concurrence by conclusive presumption under subparagraph (A) is 3 months.

(d) State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate state or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal state's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

(e) Nothing in this title shall be construed —

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common

agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

(f) Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal Government or by any state or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title and shall be the water pollution control and air pollution control requirements applicable to such program.

(g) When any state's coastal zone management program, submitted for approval or proposed for modification pursuant to section 306 of this title, includes requirements as to shorelands which also would be subject to any Federally supported national land use program which may be hereafter enacted, the Secretary, prior to approving such program, shall obtain the concurrence of the Secretary of the Interior, or such other Federal official as may be designated to administer the national land use program with respect to that portion of the coastal zone management program affecting such inland areas.

(h) In case of serious disagreement between any Federal agency and a coastal state —

(1) in the development or the initial implementation of a management program under section 305; or

(2) in the administration of a management program approved under section 306;

the Secretary, with the cooperation of the Executive Office of the President, shall seek to mediate the differences involved in such disagreement. The process of such mediation shall, with respect to any disagreement described in paragraph (2), include public hearings which shall be conducted in the local area concerned.

COASTAL ENERGY IMPACT PROGRAM

[308 revised by PL 95-372, September 18, 1978]

SEC. 308. (a) (1) The Secretary shall administer and coordinate, as part of the coastal zone management activities of the Federal Government provided for under

this title, a coastal energy impact program. Such program shall consist of the provision of financial assistance to meet the needs of coastal states and local governments in such states resulting from specified activities involving energy development. Such assistance, which includes —

(A) grants, under subsection (b), to coastal states for the purposes set forth in subsection (b)(5) with respect to consequences resulting from the energy activities specified therein;

(B) grants, under subsection (c)(1), to coastal states for study of, and planning for, consequences relating to new or expanded energy facilities in, or which significantly affect, the coastal zone;

(C) grants, under subsection (c)(2), to coastal states to carry out their responsibilities under the Outer Continental Shelf Lands Act;

(D) loans, under subsection (d)(1), to coastal states and units of general purpose local government to assist such states and units to provide new or improved public facilities or public services which are required as a result of coastal energy activity;

(E) guarantees, under subsection (d)(2) and subject to the provisions of subsection (f), of bonds or other evidences of indebtedness issued by coastal states and units of general purpose local government for the purpose of providing new or improved public facilities or public services which are required as a result of coastal energy activity;

(F) grants or other assistance, under subsection (d)(3), to coastal states and units of general purpose local government to enable such states and units to meet obligations under loans or guarantees under subsection (d)(1) or (2) which they are unable to meet as they mature, for reasons specified in subsection (d)(3); and

(G) grants, under subsection (d)(4), to coastal states which have suffered, are suffering, or will suffer any unavoidable loss of a valuable environmental or recreational resource;

shall be provided, administered, and coordinated by the Secretary in accordance with the provisions of this section and under the rules and regulations required to be promulgated pursuant to paragraph (2). Any such financial assistance shall be subject to audit under section 313.

(2) The Secretary shall promulgate, in accordance with section 317, such rules and regulations (including, but not limited to, those required under subsection (e) as may be necessary and appropriate to carry out the provisions of this section.

(b) (1) The Secretary shall make grants annually to coastal states, in accordance with the provisions of this subsection.

(2) Subject to paragraph (3), the amounts payable to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), and (C):

(A) An amount which bears, to one-half of the amount appropriated for the purpose of funding grants under this subsection for such fiscal year, the same ratio that the amount of outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

(B) An amount which bears, to one-quarter of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal Government bears to the total volume of oil and natural gas produced in such year from all of the outer Continental Shelf acreage which is leased by the Federal Government.

(C) An amount which bears, to one-quarter of the amount appropriated for such purpose for such fiscal year, the same ratio that the volume of oil and natural gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

(3)(A)(i) After making the calculations required under paragraph (2) for any fiscal year, the Secretary shall —

(I) with respect to any coastal state which, based on such calculations, would receive an amount which is less than 2 per centum of the amount appropriated for such fiscal year, increase the amount appropriated for such fiscal year, increase the amount payable to such coastal state to 2 per centum of such appropriated amount; and

(II) with respect to any coastal state which, in such fiscal year, would not receive a grant under paragraph (2), make a grant to such coastal state in an amount equal to 2 per centum of the total amount appropriated for making grants to all states under paragraph (2) in such fiscal year if any other coastal state in the same region will receive a grant under such paragraph in such fiscal year, except that a coastal state shall not receive a grant under this subclause unless the Secretary determines that it is being or will be impacted by outer Continental Shelf energy activity and that it will be able to

expend or commit the proceeds of such grant in accordance with the purposes set forth in paragraph (5).

(ii) For purposes of this subparagraph —

(I) the states of Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia, the Commonwealth of Puerto Rico, and the Virgin Islands (the Atlantic coastal states) shall constitute one 'region';

(II) the states of Alabama, Florida, Louisiana, Mississippi, and Texas (the Gulf coastal states) shall constitute one 'region'.

(III) the states of California, Hawaii, Oregon, and Washington (the Pacific coastal states) shall constitute one 'region' and

(IV) the state of Alaska shall constitute one 'region'

(B) If, after the calculations required under subparagraph (A), the total amount of funds appropriated for making grants to coastal states in any fiscal year pursuant to this subsection is less than the total amount of grants payable to all coastal states in such fiscal year, there shall be deducted from the amount payable to each coastal state which will receive more than 2 per centum of the amount of funds so appropriated an amount equal to the product of —

(i) the amount by which the total amount of grants payable to all coastal states in such fiscal year exceeds the total amount of funds appropriated for making such grants; multiplied by

(ii) a fraction, the numerator of which is the amount of grants payable to such coastal state in such fiscal year reduced by an amount equal to 2 per centum of the total amount appropriated for such fiscal year and the denominator of which is the total amount of grants payable to coastal states which, in such fiscal year, will receive more than 2 per centum of the amount of funds so appropriated, reduced by an amount equal to the product of 2 per centum of the total amount appropriated for such fiscal year multiplied by the number of such coastal states.

(C)(i) If, after the calculations required under subparagraph (B) for any fiscal year, any coastal state would receive an amount which is greater than 37½ per centum of the amount appropriated for such fiscal year, the Secretary shall reduce the amount payable to such coastal state to 37½ per centum of such appropriated amount.

(ii) Any amount not payable to a coastal state in a fiscal year due to a reduction under clause (i) shall be payable proportionately to all coastal states which are to receive more than 2 per centum and less than 37½ per centum of the amount appropriated for such fiscal year, except that in no event shall any coastal state

receive more than 37½ per centum of such appropriated amount.

(iii) For purposes of this subparagraph, the term 'payable proportionately' means payment in any fiscal year in accordance with the provisions of paragraph (2), except that in making calculations under such paragraph the Secretary shall only include those coastal states which are to receive more than 2 per centum and less than 37½ per centum of the amount appropriated for such fiscal year.

(4)(A) The Secretary shall determine annually the amounts of the grants to be provided under this subsection and shall collect and evaluate such information as may be necessary to make such determinations. Each Federal department, agency, and instrumentality shall provide to the Secretary such assistance in collecting and evaluating relevant information as the Secretary may request. The Secretary shall request the assistance of any appropriate state agency in collecting and evaluating such information.

(B) For purposes of making calculations under paragraph (2), outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries of a coastal state shall be determined as follows:

(i) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before the date of the enactment of this paragraph), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

(ii) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

(iii) If, after the date of enactment of this paragraph, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

(C) For purposes of making calculations under this subsection, the transitional quarter beginning July 1, 1976, and ending September 30, 1976, shall be included within the fiscal year ending June 30, 1976.

(5) Each coastal state shall use the proceeds of grants received by it under this subsection for the following purposes (except that priority shall be given to the use of such proceeds for the purpose set forth in subparagraph (A):

(A) The retirement of state and local bonds, if any, which are guaranteed under subsection (d) (2); except that, if the amount of such grants is insufficient to retire both state and local bonds, priority shall be given to retiring local bonds.

(B) The study of, planning for, development of, and the carrying out of projects and programs in such state which are —

(i) necessary to provide new or improved public facilities and public services which are required as a result of outer Continental Shelf energy activity;

(ii) of a type approved by the Secretary as eligible for grants under this paragraph, except that the Secretary may not disapprove any project or program for highways and secondary roads, docks, navigation aids, fire and police protection, water supply, waste collection and treatment (including drainage), schools and education, and hospitals and health care.

The Secretary may, pursuant to criteria promulgated by rule, describe geographic areas in which public facilities and public services referred to in clause (i) shall be presumed to be required as a result of outer Continental Shelf energy activity for purposes of disbursing the proceeds of grants under this subsection.

(C) The prevention, reduction, or amelioration of any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource if such loss results from coastal energy activity.

(6) The Secretary, in a timely manner, shall determine that each coastal state has expended or committed, and may determine that such state will expend or commit, grants which such state has received under this subsection in accordance with the purposes set forth in paragraph (5). The United States shall be entitled to recover from any coastal state an amount equal to any portion of any such grant received by such state under this subsection which —

(A) is not expended or committed by such state before the close of the fiscal year immediately following the fiscal year in which the grant was disbursed, or

(B) is expended or committed by such state for any purpose other than a purpose set forth in paragraph (5). Before disbursing the proceeds of any grant under this subsection to any coastal state, the Secretary shall require such state to provide adequate assurances of being able to return to the United States any amounts to which the preceding sentence may apply.

(c)(1) The Secretary shall make grants to any coastal state if the Secretary finds that the coastal zone of such state is being, or is likely to be significantly affected by the siting, construction, expansion, or operation of new

or expanded energy facilities. Such grants shall be used for the study of, and planning for (including, but not limited to, the application of the planning process included in a management program pursuant to section 305(b)(8)) any economic, social, or environmental consequence which has occurred, is occurring, or is likely to occur in such state's coastal zone as a result of the siting, construction, expansion, or operation of such new or expanded energy facilities. The amount of any such grant shall not exceed 80 per centum of the cost of such study and planning.

(2) The Secretary shall make grants under this paragraph to any coastal state which the Secretary finds is likely to be affected by outer Continental Shelf energy activities. Such grants shall be used by such state to carry out its responsibilities under the Outer Continental Shelf Lands Act. The amount of any such grant shall not exceed 80 per centum of the cost of carrying out such responsibilities.

(3) (A) The Secretary shall make grants to any coastal state to enable such state to prevent, reduce, or ameliorate any unavoidable loss in such state's coastal zone of any valuable environmental or recreational resource, if such loss results from the transportation, transfer, or storage of coal or from alternative ocean energy activities.

(B) Such grants shall be allocated to any such state based on rules and regulations promulgated by the Secretary which shall take into account the number of coal or alternative ocean energy facilities, the nature of their impacts, and such other relevant factors deemed appropriate by the Secretary.

[308(c)(3) added by PL 96-464]

(d)(1) The Secretary shall make loans to any coastal state and to any unit of general purpose local government to assist such state or unit to provide new or improved public facilities or public services, or both, which are required as a result of coastal energy activity. Such loans shall be made solely pursuant to this title, and no such loan shall require as a condition thereof that any such state or unit pledge its full faith and credit to the repayment thereof. No loan shall be made under this paragraph after September 30, 1986.

(2) The Secretary shall, subject to the provisions of subsection (f), guarantee, or enter into commitments to guarantee, the payment of interest on, and the principal amount of, any bond or other evidence of indebtedness if it is issued by a coastal state or a unit of general purpose local government for the purpose of providing new or improved public facilities or public services, or both, which are required as a result of a coastal energy activity.

(3) If the Secretary finds that any coastal state or unit of general purpose local government is unable to meet its

obligations pursuant to a loan or guarantee made under paragraph (1) or (2) because the actual increases in employment and related population resulting from coastal energy activity and the facilities associated with such activity do not provide adequate revenues to enable such state or unit to meet such obligations in accordance with the appropriate repayment schedule, the Secretary shall, after review of the information submitted by such state or unit pursuant to subsection (e)(3), take any of the following actions:

(A) Modify appropriately the terms and conditions of such loan or guarantee.

(B) Refinance such loan.

(C) Make a supplemental loan to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

(D) Make a grant to such state or unit the proceeds of which shall be applied to the payment of principal and interest due under such loan or guarantee.

Notwithstanding the preceding sentence, if the Secretary

(i) has taken action under subparagraph (A), (B), or (C) with respect to any loan or guarantee made under paragraph (1) or (2), and

(ii) finds that additional action under subparagraph (A), (B), or (C) will not enable such state or unit to meet, within a reasonable time, its obligations under such loan or guarantee and any additional obligations related to such loan or guarantee: the Secretary shall make a grant or grants under subparagraph (D) to such state or unit in an amount sufficient to enable such state or unit to meet such outstanding obligations.

(4) [308(d)(4) deleted by PL 96-464]

(e) Rules and regulations with respect to the following matters shall be promulgated by the Secretary as soon as practicable, but not later than 270 days after the date of the enactment of this section:

(1) A formula and procedures for apportioning equitably, among the coastal states, the amounts which are available for the provision of financial assistance under subsection (d). Such formula shall be based on, and limited to, the following factors:

(A) The number of additional individuals who are expected to become employed in new or expanded coastal energy activity, and the related new population, who reside in the respective coastal states.

(B) The standardized unit costs (as determined by the Secretary by rule), in the relevant regions of such states, for new or improved public facilities and public services which are required as a result of such expected employment and the related new population.

(2) Criteria under which the Secretary shall review each coastal state's compliance with the requirements of subsection (g)(2).

(3) Criteria and procedures for evaluating the extent to which any loan or guarantee under subsection (d)(1) or (2) which is applied for by any coastal state or unit of general purpose local government can be repaid through its ordinary methods and rates for generating tax revenues. Such procedures shall require such state or unit to submit to the Secretary such information which is specified by the Secretary to be necessary for such evaluation, including, but not limited to —

(A) a statement as to the number of additional individuals who are expected to become employed in the new or expanded coastal energy activity involved, and the related new population, who reside in such state or unit;

(B) a description, and the estimated costs of the new or improved public facilities or public services needed or likely to be needed as a result of such expected employment and related new population;

(C) a projection of such state's or unit's estimated tax receipts during such reasonable time thereafter, not to exceed 30 years, which will be available for the repayment of such loan or guarantee; and

(D) a proposed repayment schedule.

The procedures required by this paragraph shall also provide for the periodic verification, review, and modification (if necessary) by the Secretary of the information or other material required to be submitted pursuant to this paragraph.

(4) Requirements, terms, and conditions (which may include the posting of security) which shall be imposed by the Secretary, in connection with loans and guarantees made under subsections (d)(1) and (2), in order to assure repayment within the time fixed, to assure that the proceeds thereof may not be used to provide public services for an unreasonable length of time, and otherwise to protect the financial interests of the United States.

(5) Criteria under which the Secretary shall establish rates of interest on loans made under subsections (d)(1) and (3). Such rates shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loans.

In developing rules and regulations under this subsection, the Secretary shall, to the extent practicable, request the views of, or consult with, appropriate persons regarding impacts resulting from coastal energy activity.

(f)(1) Bonds or other evidences of indebtedness guaranteed under subsection (d)(2) shall be guaranteed on such terms and conditions as the Secretary shall prescribe, except that —

(A) no guarantee shall be made unless the indebtedness involved will be completely amortized within a reasonable period, not to exceed 30 years;

(B) no guarantee shall be made unless the Secretary determines that such bonds or other evidences of indebtedness will —

(i) be issued only to investors who meet the requirements prescribed by the Secretary, or, if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(ii) bear interest at a rate found not to be excessive by the Secretary; and

(iii) contain, or be subject to, repayment, maturity, and other provisions which are satisfactory to the Secretary;

(C) the approval of the Secretary of the Treasury shall be required with respect to any such guarantee, unless the Secretary of the Treasury waives such approval; and

(D) no guarantee shall be made after September 30, 1986.

(2) The full faith and credit of the United States is pledged to the payment, under paragraph (5), of any default on any indebtedness guaranteed under subsection (d)(2). Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligation involved for such guarantee, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligation, except for fraud or material misrepresentation on the part of the holder, or known to the holder at the time acquired.

(3) The Secretary shall prescribe and collect fees in connection with guarantees made under subsection (d)(2). These fees may not exceed the amount which the Secretary estimates to be necessary to cover the administrative costs pertaining to such guarantees.

(4) The interest paid on any obligation which is guaranteed under subsection (d)(2) and which is received by the purchaser thereof (or the purchaser's successor in interest), shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954. The Secretary may pay out of the Fund to the coastal state or the unit of general purpose local government issuing such obligations not more than such portion of the interest on such obligations as exceeds the amount of interest that would be due at a comparable rate determined for loans made under subsection (d)(1).

(5)(A) Payments required to be made as a result of any guarantee made under subsection (d)(2) shall be made by the Secretary from sums appropriated to the Fund or from moneys obtained from the Secretary of the Treasury pursuant to paragraph (6).

(B) If there is a default by a coastal state or unit of general purpose local government in any payment of principal or interest due under a bond or other evidence of indebtedness guaranteed by the Secretary under subsection (d)(2), any holder of such bond or other evidence of indebtedness may demand payment by the Secretary of the unpaid interest on and the unpaid principal of such

obligation as they become due. The Secretary, after investigating the facts presented by the holder, shall pay to the holder the amount which is due such holder, unless the Secretary finds that there was no default by such state or unit or that such default has been remedied.

(C) If the Secretary makes a payment to a holder under subparagraph (B), the Secretary shall —

(i) have all of the rights granted to the Secretary or the United States by law or by agreement with the obligor; and

(ii) be subrogated to all of the rights which were granted such holder, by law, assignment, or security agreement between such holder and the obligor.

Such rights shall include, but not be limited to, a right of reimbursement to the United States against the coastal state or unit of general purpose local government for which the payment was made for the amount of such payment plus interest at the prevailing current rate as determined by the Secretary. If such coastal state, or the coastal state in which such unit is located, is due to receive any amount under subsection (b), the Secretary shall, in lieu of paying such amount to such state, deposit such amount in the Fund until such right of reimbursement has been satisfied. The Secretary may accept, in complete or partial satisfaction of any such rights, a conveyance of property or interests therein. Any property so obtained by the Secretary may be completed, maintained, operated, held, rented, sold, or otherwise dealt with or disposed of on such terms or conditions as the Secretary prescribes or approves. If, in any case, the sum received through the sale of such property is greater than the amount paid to the holder under subparagraph (D) plus costs, the Secretary shall pay any such excess to the obligor.

(D) The Attorney General shall, upon the request of the Secretary, take such action as may be appropriate to enforce any right accruing to the Secretary or the United States as a result of the making of any guarantee under subsection (d)(2). Any sums received through any sale under subparagraph (C) or recovered pursuant to this subparagraph shall be paid into the Fund.

(6) If the moneys available to the Secretary are not sufficient to pay any amount which the Secretary is obligated to pay under paragraph (5), the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury on the basis of the current average market yield

on outstanding marketable obligations of the United States on comparable maturities during the month preceding the issuance of such notes or other obligations. Any sums received by the Secretary through such issuance shall be deposited in the Fund. The Secretary of the Treasury shall purchase any notes or other obligations issued under this paragraph, and for this purpose such Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under that Act are extended to include any purchase of notes or other obligations issued under this paragraph. The Secretary of the Treasury may at any time sell any of the notes or other obligations so acquired under this paragraph. All redemptions, purchases, and sales of such notes or other obligations by the Secretary of the Treasury shall be treated as public debt transactions of the United States.

(g)(1) No coastal state is eligible to receive any financial assistance under this section unless such state —

(A) has a management program which has been approved under section 306;

(B) is receiving a grant under section 305(c) or (d); or

(C) is, in the judgment of the Secretary, making satisfactory progress toward the development of a management program which is consistent with the policies set forth in section 303.

(2) Each coastal state shall, to the maximum extent practicable, provide that financial assistance provided under this section be apportioned, allocated, and granted to units of local government within such state on a basis which is proportional to the extent to which such units need such assistance.

(h) There is established in the Treasury of the United States the Coastal Energy Impact Fund. The Fund shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of carrying out subsections (c) and (d). The Fund shall consist of—

(1) any sums appropriated to the Fund;

(2) payments of principal and interest received under any loan made under subsection (d)(1);

(3) any fees received in connection with any guarantee made under subsection (d)(2); and

(4) any recoveries and receipts under security, subrogation, and other rights and authorities described in subsection (f).

All payments made by the Secretary to carry out the provisions of subsections (c), (d), and (f) (including reimbursements to other Government accounts) shall be paid from the Fund, only to the extent provided for in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of subsections (c), (d),

and (f) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

[308(h) amended by PL 99-272]

(i) The Secretary shall not intercede in any land use or water use decision of any coastal state with respect to the siting of any energy facility or public facility by making siting in a particular location a prerequisite to, or a condition of, financial assistance under this section.

(j) The Secretary may evaluate, and report to the Congress, on the efforts of the coastal states and units of local government therein to reduce or ameliorate adverse consequences resulting from coastal energy activity and on the extent to which such efforts involve adequate consideration of alternative sites.

(k) To the extent that Federal funds are available under, or pursuant to, any other law with respect to —

(1) study and planning for which financial assistance may be provided under subsection (b)(4)(B) and (c)(1), or

(2) public facilities and public services for which financial assistance may be provided under subsection (b)(4)(B) and (d), the Secretary shall, to the extent practicable, administer such subsections —

(A) on the basis that the financial assistance shall be in addition to, and not in lieu of, any Federal funds which any coastal state or unit of general purpose local government may obtain under any other law; and

(B) to avoid duplication.

(1) As used in this section —

(1) The term 'retirement,' when used with respect to bonds, means the redemption in full and the withdrawal from circulation of those which cannot be repaid by the issuing jurisdiction in accordance with the appropriate repayment schedule.

(2) The term 'unavoidable,' when used with respect to a loss of any valuable environmental or recreational resource, means a loss, in whole or in part —

(A) the costs of prevention, reduction, or amelioration of which cannot be directly or indirectly attributed to, or assessed against, any identifiable person; and

(B) cannot be paid for with funds which are available under, or pursuant to, any provision of Federal law other than this section.

(3) The term 'unit of general purpose local government' means any political subdivision of any coastal state or any special entity created by such a state or subdivision which (in whole or part) is located in, or has authority over, such state's coastal zone, and which (A) has authority to levy taxes or establish and collect user fees, and (B) provides any public facility or public service which is financed in whole or part by taxes or user fees.

INTERSTATE GRANTS

[309 revised by PL 96-464]

SEC. 309. (a) The coastal States are encouraged to give high priority—

(1) to coordinating State coastal zone planning, policies, and programs with respect to contiguous areas of such States;

(2) to studying, planning, and implementing unified coastal zone policies with respect to such areas; and

(3) to establishing an effective mechanism, and adopting a Federal-State consultation procedure, for the identification, examination, and cooperative resolution of mutual problems with respect to the marine and coastal areas which affect, directly or indirectly, the applicable coastal zone.

The coastal zone activities described in paragraphs (1), (2), and (3) of this subsection may be conducted pursuant to interstate agreements or compacts. The Secretary may make grants annually, in amounts not to exceed 90 percent of the cost of such activities, if the Secretary finds that the proceeds of such grants will be used for purposes consistent with sections 305 and 306.

(b) The consent of the Congress is hereby given to two or more coastal States to negotiate, and to enter into, agreements or compacts, which do not conflict with any law or treaty of the United States, for—

(1) developing and administering coordinated coastal zone planning, policies, and programs pursuant to sections 305 and 306; and

(2) establishing executive instrumentalities or agencies which such States deem desirable for the effective implementation of such agreements or compacts.

Such agreements or compacts shall be binding and obligatory upon any State or party thereto without further approval by the Congress.

(c) Each executive instrumentality or agency which is established by an interstate agreement or compact pursuant to this section is encouraged to give high priority to the coastal zone activities described in subsection (a). The Secretary, the Secretary of the Interior, the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Energy, or their designated representatives, shall participate ex officio on behalf of the Federal Government whenever any such Federal-State consultation is requested by such an instrumentality or agency.

(d) If no applicable interstate agreement or compact exists, the Secretary may coordinate coastal zone activities described in subsection (a) and may make grants to assist any group of two or more coastal States to create and maintain a temporary planning and coordinating entity to carry out such activities. The

amount of such grants shall not exceed 90 percent of the cost of creating and maintaining such an entity. The Federal officials specified in subsection (c), or their designated representatives, shall participate on behalf of the Federal Government, upon the request of any such temporary planning and coordinating entity for a Federal-State consultation.

(c) A coastal State is eligible to receive financial assistance under this section if such State meets the criteria established under section 308(g)(1).

RESEARCH AND TECHNICAL ASSISTANCE FOR COASTAL ZONE MANAGEMENT

SEC. 310 [Repealed]

[310 repealed by PL 99-272]

PUBLIC HEARINGS

SEC. 311. All public hearings required under this title must be announced at least thirty days prior to the hearing date. At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, and other data, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the agency.

REVIEW OF PERFORMANCE

[312 revised by PL 96-464]

SEC. 312. (a) The Secretary shall conduct a continuing review of the performance of coastal states with respect to coastal management. Each review shall include a written evaluation with an assessment and detailed findings concerning the extent to which the state has implemented and enforced the program approved by the Secretary, addressed the coastal management needs identified in section 303(2)(A) through (I), and adhered to the terms of any grant, loan, or cooperative agreement funded under this title.

(b) For the purpose of making the evaluation of a coastal state's performance, the Secretary shall conduct public meetings and provide opportunity for oral and written comments by the public. Each such evaluation shall be prepared in report form and the Secretary shall make copies thereof available to the public.

(c) The Secretary shall reduce any financial assistance extended to any coastal state under section 306 (but not below 70 per centum of the amount that would otherwise be available to the coastal state under such section for any year), and withdraw any unexpended portion of such reduction, if the Secretary determines that the coastal state—

(1) is failing to make significant improvement in achieving the coastal management objectives specified in section 303(2)(A) through (I); or

(2) is failing to make satisfactory progress in providing in its management program for the matters referred to in section 306(i)(A) and (B).

[312(c) amended by PL 99-272]

(d) The Secretary shall withdraw approval of the management program of any coastal state, and shall withdraw any financial assistance available to that state under this title as well as any unexpended portion of such assistance, if the Secretary determines that the coastal state is failing to adhere to, is not justified in deviating from (1) the management program approved by the Secretary, or (2) the terms of any grant or cooperative agreement funded under section 306, and refuses to remedy the deviation.

(e) Management program approval and financial assistance may not be withdrawn under subsection (d), unless the Secretary gives the coastal state notice of the proposed withdrawal and an opportunity for a public hearing on the proposed action. Upon the withdrawal of management program approval under this subsection (d), the Secretary shall provide the coastal state with written specifications of the actions that should be taken, or not engaged in, by the state in order that such withdrawal may be canceled by the Secretary.

(f) The Secretary shall carry out research on, and offer technical assistance to the coastal states with respect to, those activities, projects, and other relevant matters evaluated under this section that the Secretary considers to offer promise toward improving coastal zone management.

[Editor's note: Section 9(b) of PL 96-464 provides:

"(b) Within two hundred and seventy days after the date of the enactment of this Act, the Secretary of Commerce shall issue such regulations as may be necessary or appropriate to administer section 312 of the Coastal Zone Management Act of 1972 (as amended by subsection (a)* of this section)."]

RECORDS AND AUDIT

SEC. 313. (a) Each recipient of a grant under this title or of financial assistance under Sec. 308 shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant and of the proceeds of such assistance, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

*Subsection (a) revised Section 312 of this Act.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall —

(1) after any grant is made under this title or any financial assistance is provided under section 308(d); and

(2) until the expiration of 3 years after —

(A) completion of the project, program, or other undertaking for which such grant was made or used, or

(B) repayment of the loan or guaranteed indebtedness for which such financial assistance was provided, have access for purposes of audit and examination to any record, book, document, and paper which belongs to or is used or controlled by, any recipient of the grant funds or any person who entered into any transaction relating to such financial assistance and which is pertinent for purposes of determining if the grant funds or the proceeds of such financial assistance are being, or were, used in accordance with the provisions of this title.

ADVISORY COMMITTEE

SEC. 314. [Repealed]

[314 repealed by PL 99-272]

NATIONAL ESTUARINE RESERVE RESEARCH SYSTEM

SEC. 315. (a) Establishment of the System.—There is established the National Estuarine Reserve Research System (hereinafter referred to in this section as the "System") that consists of—

(1) each estuarine sanctuary designated under this section as in effect before the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985; and

(2) each estuarine area designated as a national estuarine reserve under subsection (b).

Each estuarine sanctuary referred to in paragraph (1) is hereby designated as a national estuarine reserve.

(b) Designation of National Estuarine Reserves.—After the date of the enactment of the Coastal Zone Management Reauthorization Act of 1985, the Secretary may designate an estuarine area as a national estuarine reserve if—

(1) the Governor of the coastal State in which the area is located nominates the area for that designation; and

(2) the Secretary finds that—

(A) the area is a representative estuarine ecosystem that is suitable for long-term research and contributes to the biogeographical and typological balance of the System;

(B) the law of the coastal State provides long-term protection for reserve resources to ensure a stable environment for research;

(C) designation of the area as a reserve will serve to enhance public awareness and understanding of estuarine areas, and provide suitable opportunities for public education and interpretation; and

(D) the coastal State in which the area is located has complied with the requirements of any regulations issued by the Secretary to implement this section.

(c) Estuarine Research Guidelines.—The Secretary shall develop guidelines for the conduct of research within the System that shall include—

(1) a mechanism for identifying, and establishing priorities among, the coastal management issues that should be addressed through coordinated research within the System;

(2) the establishment of common research principles and objectives to guide the development of research programs within the System;

(3) the identification of uniform research methodologies which will ensure comparability of data, the broadest application of research results, and the maximum use of the System for research purposes;

(4) the establishment of performance standards upon which the effectiveness of the research efforts and the value of reserves within the System in addressing the coastal management issues identified in subsection (1) may be measured; and

(5) the consideration of additional sources of funds for estuarine research than the funds authorized under this Act, and strategies for encouraging the use of such funds within the System, with particular emphasis on mechanisms established under subsection (d).

In developing the guidelines under this section, the Secretary shall consult with prominent members of the estuarine research community.

(d) Promotion and Coordination of Estuarine Research.—The Secretary shall take such action as is necessary to promote and coordinate the use of the System for research purposes including—

(1) requiring that the National Oceanic and Atmospheric Administration, in conducting or supporting estuarine research give priority consideration to research that uses the System; and

(2) consulting with other Federal and State agencies to promote use of one or more reserves within the System by such agencies when conducting estuarine research.

(e) Financial Assistance.—(1) The Secretary may, in accordance with such rules and regulations as the Secretary shall promulgate, make grants—

(A) to a coastal State—

(i) for purposes of acquiring such lands and waters, and any property interests therein, as are necessary to ensure the appropriate long-term management of an area as a national estuarine reserve,

(ii) for purposes of operating or managing a national estuarine reserve and constructing appropriate reserve facilities, or

(iii) for purposes of conducting educational or interpretive activities; and

(B) to any coastal State or public or private person for purposes of supporting research and monitoring within a national estuarine reserve that are consistent with the research guidelines developed under subsection (c).

(2) Financial assistance provided under paragraph (1) shall be subject to such terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States, including requiring coastal States to execute suitable title documents setting forth the property interest or interests of the United States in any lands and waters acquired in whole or part with such financial assistance.

(3)(A) The amount of the financial assistance provided under paragraph (1)(A)(i) of subsection (e) with respect to the acquisition of lands and waters, or interests therein, for any one national estuarine reserve may not exceed an amount equal to 50 per centum of the costs of the lands, waters, and interests therein or \$4,000,000, whichever amount is less.

(B) The amount of the financial assistance provided under paragraph (1)(A)(ii) and (iii) and paragraph (1)(B) of subsection (e) may not exceed 50 per centum of the costs incurred to achieve the purposes described in those paragraphs with respect to a reserve.

(f) Evaluation of System Performance.—(1) The Secretary shall periodically evaluate the operation and management of each national estuarine reserve, including education and interpretive activities, and the research being conducted within the reserve.

(2) If evaluation under paragraph (1) reveals that the operation and management of the reserve is deficient, or that the research being conducted within the reserve is not consistent with the research guidelines developed under subsection (c), the Secretary may suspend the eligibility of that reserve for financial assistance under subsection (e) until the deficiency or inconsistency is remedied.

(3) The secretary may withdraw the designation of an estuarine area as a national estuarine reserve if evaluation under paragraph (1) reveals that—

(A) the basis for any one or more of the findings made under subsection (b)(2) regarding that area no longer exists; or

(B) a substantial portion of the research conducted within the area, over a period of years, has not been

consistent with the research guidelines developed under subsection (c).

(g) Report.—The Secretary shall include in the report required under section 316 information regarding—

(1) new designations of national estuarine reserves;

(2) any expansion of existing national estuarine reserves;

(3) the status of the research program being conducted within the System; and

(4) a summary of the evaluations made under subsection (f).

[315 amended by PL 96-464; revised by PL 99-272]

COASTAL ZONE MANAGEMENT REPORT

[316 head revised by PL 96-464]

SEC. 316. (a) The Secretary shall consult with the Congress on a regular basis concerning the administration of this title and shall prepare and submit to the President for transmittal to the Congress a report summarizing the administration of this title during each period of two consecutive fiscal years. Each report, which shall be transmitted to the Congress not later than April 1 of the year following the close of the biennial period to which it pertains, shall include, but not be restricted to (1) an identification of the state programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the states participating in the provisions of this title and a description of the status of each state's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allocation of funds to the various coastal states and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any state programs which have been reviewed and disapproved and a statement of the reasons for such action; (5) a summary of evaluation findings prepared in accordance with subsection (a) of section 312, and a description of any sanctions imposed under subsections (c) and (d) of this section; (6) a listing of all activities and projects which, pursuant to the provisions of subsection (c) or subsection (d) of section 307, are not consistent with an applicable approved state management program; (7) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (8) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, state, and local responsibilities and functions therein; (9) a summary of outstanding problems arising in the administration of this title in order of priority; (10) a description of the economic, environmental, and social consequences of energy activity affecting the

coastal zone and an evaluation of the effectiveness of financial assistance under section 308 in dealing with such consequences; (11) a description and evaluation of applicable interstate and regional planning and coordination mechanisms developed by the coastal states; (12) a summary and evaluation of the research, studies, and training conducted in support of coastal zone management; and (13) such other information as may be appropriate.

[316(a) amended by PL 96-464]

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

(c) (1) The Secretary shall conduct a systematic review of Federal programs, other than this title, that affect coastal resources for purposes of identifying conflicts between the objectives and administration of such programs and the purposes and policies of this title. Not later than 1 year after the date of the enactment of this subsection, the Secretary shall notify each Federal agency having appropriate jurisdiction of any conflict between its program and the purposes and policies of this title identified as a result of such review.

(2) The Secretary shall promptly submit a report to the Congress consisting of the information required under paragraph (1) of this subsection. Such report shall include recommendations for changes necessary to resolve existing conflicts among Federal laws and programs that affect the uses of coastal resources.

[316(c) added by PL 96-464]

RULES AND REGULATIONS

SEC 317. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, state agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 318. (a) There are authorized to be appropriated to the Secretary

[318(a) revised by PL 96-464]

(1) such sums, not to exceed \$35,000,000 for the fiscal year ending September 30, 1986, not to exceed \$36,600,000 for the fiscal year ending September 30, 1987, \$37,900,00 for the fiscal year ending September 30, 1988, \$38,800,000 for the fiscal year ending September 30, 1989, and \$40,600,000 for the fiscal year ending September 30, 1990, as may be necessary for grants

under sections 306 and 306A, to remain available until expended.

[318(a)(1) revised by PL 99-272]

(2) such sums, not to exceed \$75,000,000 for each of the fiscal years occurring during the period beginning October 1, 1980, and ending September 30, 1988, as may be necessary for grants under section 308(b);

[318(a)(2) deleted and (a)(3) redesignated as (2) by PL 99-272]

(3) such sums, not to exceed \$1,000,000 for the fiscal year ending September 30, 1986, and not to exceed \$1,500,000 for each of the fiscal years occurring during the period beginning October 1, 1986, and ending September 30, 1990, as may be necessary for grants under section 309, to remain available until expended;

(4) such sums, not to exceed \$2,500,000 for the fiscal year ending September 30, 1986, not to exceed \$3,800,000 for the fiscal year ending September 30, 1987, \$4,500,000 for the fiscal year ending September 30, 1988, \$5,000,000 for the fiscal year ending September 30, 1989, and \$5,500,000 for the fiscal year ending September 30, 1990, as may be necessary for grants under section 315, to remain available until expended; and

(5) such sums, not to exceed \$3,300,000 for the fiscal year ending September 30, 1986, not to exceed \$3,300,000 for the fiscal year ending September 30, 1987, \$3,300,000 for the fiscal year ending September 30, 1988, \$4,000,000 for the fiscal year ending September 30, 1989, and \$4,000,000 for the fiscal year ending September 30, 1990, as may be necessary for administrative expenses incident to the administration of this title.

[318(a)(4)—(6) revised and redesignated as (3)—(5) by PL 99-272]

(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000, for the purposes of carrying out the provisions of section 308, other than subsection (b), of which not to exceed \$150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section.

[318(b) amended by PL 96-464]

(c) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 306 or 309.

[318(c) amended by PL 96-464]

[Editor's note: In addition to amending existing sections of the Coastal Zone Management Act of 1972 and adding new sections to the Act, PL 94-370 includes the following sections:]

SEC. 15. ADMINISTRATION

(a) [Repealed by PL 95-219]
 (b) [Superseded by subsection (b) of PL 95-219. See editor's note below.]

(c) [Repealed by PL 99-272]

SEC. 16. SHELLFISH SANITATION REGULATIONS.

(a) The Secretary of Commerce shall —

(1) undertake a comprehensive review of all aspects of the molluscan shellfish industry, including, but not limited to, the harvesting, processing, and transportation of such shellfish; and

(2) evaluate the impact of Federal law concerning water quality on the molluscan shellfish industry.

The Secretary of Commerce shall, not later than April 30, 1977, submit a report to the Congress of the findings, comments, and recommendations (if any) which result from such review and evaluation.

(b) The Secretary of Health, Education, and Welfare shall not promulgate final regulations concerning the national shellfish safety program before June 30, 1977. At least 60 days prior to the promulgation of any such regulations, the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Commerce, shall publish an analysis (1) of the economic impact of such regulations on the domestic shellfish industry; and (2) the cost of such national shellfish safety program relative to the benefits that it is expected to achieve.

[*Editor's note:* In addition to repealing Section 15(a) of PL 94-370, subsection (b) of PL 95-219 amended Section 5316 of Title 5, United States Code as follows:

“(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

(141) Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

(142) Assistant Administrators (3), National Oceanic and Atmospheric Administration.

(143) General Counsel, National Oceanic and Atmospheric Administration.”]

[*Editor's note:* Sections 2 through 11 and 13 of PL 96-464 amended and have been incorporated into the existing language of this Act. Section 12 of PL 96-464 follows:]

SEC. 12. CONGRESSIONAL DISAPPROVAL PROCEDURE.

(a) (1) The Secretary, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on

the same date and to each House of the Congress while it is in session. Such final rule shall be referred to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Merchant Marine and Fisheries of the House, respectively.

(2) Any such final rule shall become effective in accordance with its terms unless, before the end of the period of sixty calendar days of continuous session, after the date such final rule is submitted to the Congress, both Houses of the Congress adopt a concurrent resolution disapproving such final rule.

(b) (1) The provisions of this subsection are enacted by the Congress

(A) as an exercise in the rulemaking power of the House of Representatives and as such they are deemed a part of the Rules of the House of Representatives but applicable only with respect to the procedure to be followed in the House of Representatives in the case of concurrent resolutions which are subject to this section, and such provisions supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time in the same manner and to the same extent as in the case of any other rule of that House.

(2) Any concurrent resolution disapproving a final rule of the Secretary shall, upon introduction or receipt from the other House of the Congress, be referred immediately by the presiding officer of such House to the Committee on Commerce, Science, and Transportation of the Senate or to the Committee on Merchant Marine and Fisheries of the House, as the case may be.

(3) (A) When a committee has reported a concurrent resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion shall be highly privileged in the House of Representatives, and shall not be debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate in the House of Representatives on the concurrent resolution shall be limited to not more than ten hours which shall be divided equally between those favoring and those opposing such concurrent resolution and a motion further to limit debate shall not be debatable. In the House of Representatives, an amendment to, or motion to recommit, the concurrent resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such concurrent resolution was agreed to or disagreed to.

(4) Appeals from the decision of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a concurrent resolution shall be decided without debate.

(5) Notwithstanding any other provision of this subsection, if a House has approved a concurrent resolution with respect to any final rule of the Secretary, then it shall not be in order to consider in such House any other concurrent resolution with respect to the same final rule.

(c) (1) If a final rule of the Secretary is disapproved by the Congress under subsection (a)(2), then the Secretary may promulgate a final rule which relates to the same acts or practices as the final rule disapproved by the Congress in accordance with this subsection. Such final rule—

(A) shall be based upon—

(i) the rulemaking record of the final rule disapproved by the Congress; or

(ii) such rulemaking record and the record established in supplemental rulemaking proceedings conducted by the Secretary in accordance with section 553 of title 5, United States Code, in any case in which the Secretary determines that it is necessary to supplement the existing rulemaking record; and

(B) may contain such changes as the Secretary considers necessary or appropriate.

(2) The Secretary after promulgating a final rule under this subsection, shall submit the final rule to the Congress in accordance with subsection (a)(1).

(d) Congressional inaction on, or rejection of a concurrent resolution of disapproval under this section shall not be construed as an expression of approval of the final rule involved, and shall not be construed to create any presumption of validity with respect to such final rule.

(e) (1) Any interested party may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this section. The district court immediately shall certify all questions of the constitutionality of this section to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(2) Notwithstanding any other provision of law, any decision on a matter certified under paragraph (1)

shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought not later than twenty days after the decision of the court of appeals.

(3) [Repealed]

[12(e)(3) repealed by PL 98-620]

(f) (1) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which the House of Representatives is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the periods specified in subsection (a)(2) and subsection (b).

(2) If an adjournment sine die of the Congress occurs after the Secretary has submitted a final rule under subsection (a)(1), but such adjournment occurs—

(A) before the end of the period specified in subsection (a)(2); and

(B) before any action necessary to disapprove the final rule is completed under subsection (a)(2); then the Secretary shall be required to resubmit the final rule involved at the beginning of the next regular session of the Congress. The period specified in subsection (a)(2) shall begin on the date of such resubmission.

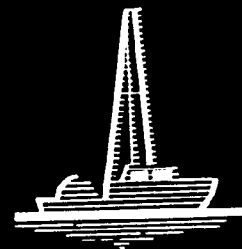
(g) For purposes of this section:

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "concurrent resolution" means a concurrent resolution the matter after the resolving clause of which is as follows: "That the Congress disapproves the final rule promulgated by the Secretary of Commerce dealing with the matter of _____, which final rule was submitted to the Congress on _____. (The blank spaces shall be filled appropriately.)"

(3) The term "rule" means any rule promulgated by the Secretary pursuant to the Coastal Zone Management Act (16 U.S.C. 1450 et. seq.).

(h) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have any force or effect after September 30, 1985.



Appendix D
Coastal Project
Questionnaire

Coastal Project Questionnaire and Certification Statement

Please answer all questions. Include maps or plan drawings with your packet. An incomplete questionnaire may be returned and will delay the review of your packet.

APPLICANT INFORMATION

1. _____ Name of Applicant	2. _____ Contact Person
_____ Address	_____ Address
_____ City	_____ City
_____ State	_____ State
_____ Zip Code	_____ Zip Code
_____ Phone	_____ Phone

PROJECT INFORMATION

1. Provide a brief description of your project and ALL associated facilities (caretaker facilities, etc.):

Starting Date for Project _____ Ending Date for Project _____

PROJECT LOCATION

1. Please give location of project. (Include nearest community or identifiable body of land or water.)

Township _____ Range _____ Meridian _____ Section _____ Aliquot Parts _____ USGS Map _____

2. Is the project on: (please mark with ✓)

State Land _____ Federal Land _____ Private Land _____ Municipal Land _____

3. Project is located in which region of the state (see attached map):

Northern _____ Southcentral _____ Southeast _____

PERMIT APPROVALS

1. Do you currently have any State or federal approvals for this project? If yes, please list below. Yes ☐ No ☐
(Note: *approval* means permit or any other form of authorization.)

<u>Approval Type</u>	<u>Approval #</u>	<u>Expiration Date</u>
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FEDERAL APPROVALS

1. Will you be placing structures or fills in any of the following: tidal waters, streams, lakes, or wetlands*? Yes ☐ No ☐

* If you are uncertain whether your proposed project area is in a wetland, contact the Corps of Engineers, Regulatory Branch at (907) 753-2720 for a wetlands determination. If you are outside the Anchorage area, call toll free 1-800-478-2712.

If yes, have you applied for or do you intend to apply for a U.S. Army Corps of Engineers (COE) permit? Please indicate at right and describe below.

Yes ☐ No ☐

2. Have you applied for or do you intend to apply for a U.S. Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) permit? Please indicate at right and describe below. (Note: Any wastewater discharge requires an NPDES permit.) Yes ☐ No ☐

3. Have you applied for or do you intend to apply for permits from any other federal agency? If yes, please list below. Yes ☐ No ☐

<u>Agency</u>	<u>Approval Type</u>	<u>Date submitted (or intend to submit)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

DEPARTMENT OF NATURAL RESOURCES APPROVALS

1. Is the proposed project on state-owned land or will you need to cross State lands for access? Yes ☐ No ☐

2. Is any portion of your project placed below the ordinary high water line of a stream, river, lake or other water body? Yes ☐ No ☐

3. Will you be dredging? If yes, location of dredging is: Yes ☐ No ☐
Township _____ Range _____ Meridian _____ Section _____

• Location of disposal site for dredged materials:

Township _____ Range _____ Meridian _____ Section _____

4. Will you be filling with rock, sand or gravel? If yes, amount? _____ Yes ☐ No ☐

• Location of source: Township _____ Range _____ Meridian _____ Section _____

• Location of area to be filled: Township _____ Range _____ Meridian _____ Section _____

5. Do you plan to use any of the following state-owned resources? Yes ☐ No ☐

Timber

• If yes, amount? _____

• Location of source: Township _____ Range _____ Meridian _____ Section _____

Other Materials

• If yes, what material? _____
(peat, building stone, silt, overburden, etc.)

• Location of source: Township _____ Range _____ Meridian _____ Section _____

6. Are you planning to use any fresh water? Yes ☐ No ☐

• If yes, amount (gallons per day)? _____

• Source? _____

7. Will you be building or altering a dam? Yes ☐ No ☐

8. Do you plan to drill a geothermal well? ☐ ☐

9. Will you be exploring for or extracting coal? ☐ ☐

10. Will you be exploring for or extracting minerals on state-owned land? ☐ ☐

11. Will you be exploring for or extracting oil and gas on state-owned land? ☐ ☐

12. Will you be harvesting timber from 10 or more acres? ☐ ☐

13. Will you be investigating or removing historical or archaeological resources on state-owned land? Yes ☐ No ☐

14. Will the project be located in a unit of the Alaska State Park System?

Yes ☐ No ☐

If you answered NO to all questions in this section, you do not need an approval from the Alaska Department of Natural Resources (DNR). Continue to the next section.

If you answered YES to ANY questions in this section, contact DNR to identify and obtain necessary application forms.

Based on your discussion with DNR, please list (below) the approval type needed and date submitted.

Approval Type

Date Submitted (or intend to submit)

_____	_____
_____	_____
_____	_____

Have you paid the filing fees required for the DNR permits?

Yes ☐ No ☐

If you are not applying for DNR permits, indicate reason below:

_____ a. _____ (DNR contact) told me on _____ (date) that no DNR approvals or permits were required on this project.

_____ b. Other: _____

DEPARTMENT OF FISH AND GAME APPROVALS

1. Will you be working in a stream, river, or lake? (This includes running water or on ice, within the active floodplain, on islands, the face of the banks, or the stream tideflats down to mean low tide.)

Yes ☐ No ☐

Name of stream or river: _____ Name of lake: _____

If you answered "no", proceed to question #2.

If "yes", will you be doing any of the following:

a) Building a dam, river training structure or instream impoundment?

Yes ☐ No ☐

b) Using the water?

☐ ☐

c) Diverting or altering the natural channel stream?

☐ ☐

d) Blocking or damming the stream, (temporarily or permanently)?

☐ ☐

e) Changing the flow of the water or changing the bed?

☐ ☐

f) Pumping water out of the stream or lake?

☐ ☐

g) Introducing silt, gravel, rock, petroleum products, debris, chemicals or wastes of any type into the water?

☐ ☐

h) Using the stream as a road (even when frozen), or crossing the stream with tracked or wheeled vehicles, log-dragging or excavation equipment (backhoes, bulldozers, etc.)?

☐ ☐

i) Altering or stabilizing the banks?

☐ ☐

j) Mining or digging in the beds or banks?

☐ ☐

k) Using explosives?

☐ ☐

l) Building a bridge (including an ice bridge)?

☐ ☐

m) Installing a culvert or other drainage structure?

☐ ☐

n) Constructing a weir?

☐ ☐

o) Other in-stream structure not mentioned above?

Yes No
☐ ☐

2. Is your project located in a State Game Refuge, Critical Habitat Area, or State Game Sanctuary?

☐ ☐

3. Does your project include the construction and operation of a salmon hatchery?

☐ ☐

4. Does your project affect or is it related to a previously permitted salmon hatchery?

☐ ☐

5. Does your project include the construction of a shellfish or sea vegetable farm?

☐ ☐

If you answered NO to all questions in this section, you do not need an approval from the Alaska Department of Fish and Game (DFG). Continue to the next section.

If you answered YES to any of the questions under 1 or 2, contact the Regional DFG Habitat Division Office for information and application forms.

If you answered YES to questions 3, 4 or 5, contact the DFG Private Nonprofit Hatchery Office at the F.R.E.D. division headquarters for information and application forms.

Based on your discussion with DFG, please list (below) the approval type needed and date submitted.

Approval Type

Date Submitted (or intend to submit)

Yes No
☐ ☐

_____	_____
_____	_____
_____	_____

If you are not applying for permits, indicate reason below:

_____ a. _____ (DFG contact) told me on _____ (date) that no DFG approvals or permits were required on this project.

_____ b. Other: _____

DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVALS

Yes No
☐ ☐

1. Will a discharge of wastewater from industrial or commercial operations occur?
(See #2 in "Federal Permits" section)

☐ ☐

2. Will your project generate air emissions from the following:

a) Diesel generators totaling more than 10,000 hp?

☐ ☐

b) Other fossil fuel-fired electric generator, furnace, or boiler totaling greater than 10,000 hp, or 9,000 kWh, or 100,000,000 btu/hr?

☐ ☐

c) Asphalt plant?

☐ ☐

d) Incinerator burning more than 1000 lbs. per hour?

☐ ☐

e) Industrial process?

☐ ☐

3. Will a drinking water supply be developed that serves more than a single-family residence?

☐ ☐

4. Will you be processing seafood?

☐ ☐

5. Will food service be provided to the public or workers?

☐ ☐

6. Will the project result in dredging or disposal of fill in wetlands or placement of a structure in waterways? (Note: your application for this activity to the Corps of Engineers will also serve as your application to DEC.)

☐ ☐

7. Is sewage or greywater disposal involved or necessary?

☐ ☐

8. Will your project result in the development of a currently unpermitted facility for the disposal of domestic or industrial solid waste? ☐ ☐
9. Will your project require offshore drilling or vessel transport of oil, or other petroleum products as cargo, or include onshore facilities with an effective storage capacity of greater than 10,000 barrels of such products? ☐ ☐
10. Will your project require the application of oil or pesticides to the surface of the land? ☐ ☐

If you answered NO to all questions in this section, you do not need a permit or approval from the Alaska Department of Environmental Conservation (DEC). Please continue to the next section.

If you answered YES to any of these questions (see #6 Note), contact the DEC Regional Office for information and application forms.

Based on your discussion with DEC, please list (below) the approval type needed and date submitted.

Approval Type

Date Submitted (or intend to submit)

_____	_____
_____	_____
_____	_____

If you are not applying for permits, indicate reason below:

- _____ a. _____ (DEC contact) told me on _____ (date) that no DEC approvals or permits were required on this project.
- _____ b. Other: _____

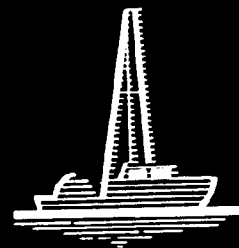
Certification Statement

The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.

Signature of Applicant or Agent

Date

To complete your packet, please attach your state permit applications and copies of your federal applications to this questionnaire.



Appendix E
PROFS

APPENDIX E

PROFS: HOW TO AND WHOM TO

The state's electronic communication system is called PROFS (Professional Office System). State agency and some coastal district staff use PROFS to comment on permits in the coastal zone. PROFS can be accessed with either an IBM terminal or an IBM-compatible personal computer (PC) and modem. You can obtain a PROFS user identification code through DGC, which identifies your particular agency or you individually. DGC will also provide PROFS training for districts at coastal management conferences or individually when possible.

The most important PROFS functions that district users need to know are how to:

- log-on PROFS;
- receive notes (check the mail);
- file notes;
- send notes;
- set up a nickname file; and
- transmit lengthy documents.

It is helpful to know how to do a "file-transfer" from a PC diskette to PROFS and visa-versa. File transfers require a special software diskette called "FTTERM."

Please contact DGC if you have any questions regards PROFS and its use. If you are interested in scheduling a training session, DGC can provide PROFS training by contacting them at 465-3562.

The directory of PROFS users within DGC, as well as statewide, follows.



District Implementation Manual

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OFFICE OF THE GOVERNOR
DIVISION OF GOVERNMENTAL COORDINATION

DIRECTORY OF PROFS USERS

PLEASE NOTIFY MARY BIXBY, GCHCRLG (465-3562), OF ANY NECESSARY
ADDITIONS OR CORRECTIONS.

Department of Environmental Conservation	page 1
Department of Fish and Game	page 2-3
Department of Natural Resources	page 4
Anchorage	page 5-6
Juneau	page 7
Fairbanks	page 8
Division of Governmental Coordination	page 9
Other State Agencies	page 10
Federal Agencies	page 11
Coastal Districts	page 12
ACMP Working Group	page 13
State Agency CSU Contacts	page 14
Help Resources	page 15
Telecopy Numbers	page 16-18

September 1988

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BY LOCATION:

COMMISSIONER'S OFFICE

Commissioner Kelso	VCOCOM	465-2600
Deputy Commissioner Kyle	VCOCDEP	465-2600
Annie Barnack (Secretary)	VCOCOM	465-2600
Mark Thorson (Admin.)	VASCMJT	465-2621

DIVISION OF ENVIRONMENTAL HEALTH

Susan Braley c/o Doug Donegan	VCOCOM	465-2696
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DIVISION OF ENVIRONMENTAL QUALITY

Larry Dietrick (Director)	VMSCTAL	465-2640
Dan Easton	VMSCTAL	465-2640
Kerry Howard (ACMP Coordinator)	VWQCKMH	465-2653
Paul O'Brien	VWQCOPC	465-2653
Douglas Redburn	VWQCDRR	465-2653

SOUTHEAST REGIONAL OFFICE

Steve Haavig	VROCSE	789-3151
Deena Henkins	VROCSE	789-3151
Amy Kruse	VROCSE	789-3151
Dick Stokes	VROCSE	789-3151
Alex Viteri	VROCSE	789-3151
Elena Witkins	VROCSE	789-3151
*Joan Hughes (PIC)	VROCSE	789-3151

SOUTHCENTRAL REGIONAL OFFICE

Bob Flint	VROCSC5	563-6529
Henry Friedman	VROCSC4	563-6529
Julie Howe	VROCSC3	563-6529
Bill Lamoreaux	VROCSCR	563-6529
Tim Rumfelt	VROCSC1	563-6529
Joe Sautner	VROCSC6	563-6529
Mike Wheeler	VROCSC2	563-6529
Bob Martin	VROCSCR	563-6529
*Lynn Cochran (PIC)	VROCSCR	563-6529

NORTHERN REGIONAL OFFICE

Paul Bateman	VROCNRO	452-1714
Joyce Beelman	VROCNRO	452-1714
Doug Lowery	VROCNRO	452-1714
Pete McGee	VROCNRI	452-1714
*Gail Funk (PIC)	VROCNRO	452-1714
Simon Mawson (Nome)	VROCNOM	443-2600

*PIC = Permit Information Center

DEPARTMENT OF FISH AND GAME

BY LOCATION:

COMMISSIONER'S OFFICE

Commissioner Collinsworth	FCOCDWC	465-4100
Diana Davidson (Secretary)	FCOCDWC	465-4100
Deputy Commissioner Cohen	FCOC001	465-4100
Janelle Sonderland (Secretary)	FCOC002	465-4100
David Benton	FCOCDAB	465-4100

HABITAT DIVISION HEADQUARTERS

Frank Rue (Director)	FHDC006	465-4105
Bruce Baker	FHDCBHB	465-4105
Melanie Moats (Secretary)	FHDCJHQ	465-4105
Ellen Fritts	FHJCEIF	465-4105

HABITAT, SOUTHEAST REGION

Rick Reed, Juneau, Supervisor	FH1CDGL	465-4290
Thea Nelson (Secretary)	FH1CTHN	465-4290
Don Cornelius, Petersburg	FH1CPRG	772-3801
Glenn Freeman, Ketchikan	FH1CKKN	225-2027
Jack Gustafson, Ketchikan	FH1CKKN	225-2027
Janet Hall, Juneau	FH1CJEH	465-4290
Dave Hardy, Sitka	FH1CSTK	747-5828
Lana Shea, Juneau	FH1CTHN	465-4290

HABITAT, SOUTHCENTRAL REGION

Lance Trasky, Supervisor	FH4CANW	267-2342
Permitting	FH2CANC	265-2284
Planning	FH4CANW	267-2346
Steve Albert	FH2C001	267-2146
Dimitri Bader	FH4CANW	267-2295
Phil Brna	FH2CPJB	267-2278
Al Carson	FHTCTSU	267-2292
Debby Clausen	FH4CDLC	267-2330
Durand Cook	FH2C003	267-2338
Wayne Dolezal	FH2CANC	267-2333
Cevin Gilleland	FH2CANC	267-2294
Mark Kuwada	FH4CDSL	267-2277
Gary Liepitz	FH2CGSL	267-2281
Don McKay	FH2CANC	267-2279
Glenn Seaman (ACMP Coordinator)	FH4CCZM	267-2331
Rick Sinnott	FH4CRJS	267-2446
Claudia Slater	FH2C002	267-2336
Kimbal Sundberg	FH2CKAS	267-2334

DEPARTMENT OF FISH AND GAME

HABITAT, NORTHERN REGION

Office Account	FH3CFBX	451-6192
Al Ott, Supervisor	FH3CAGO	451-6192
Carl Hemming	FH3CFBX	451-6192
Robert "Mac" McLean	FH3CRFM	451-6192
Matt Robus	FH3CMHR	451-6192
Richard Shideler	FH3CFBX	451-6192
Al Townsend	FH3CFBX	451-6192

GAME DIVISION

Tina Cunning, Nome	FGSCARC	443-2825
Phil Koehl, Juneau	FGSCGHQ	465-4190

FRED DIVISION, JUNEAU

Brian Allee, Director	FFHCFHQ	465-4160
Sam Bertoni	FFHCTHM	465-4163
Kevin Duffy	FFHCPNP	465-4163
Ron Josephson	FFHCSEO	465-4163
Jerry Madden	FFHCPNP	465-4163
Steve McGee	FFHCPNP	465-4163
Monty Norvell	FFHCM DN	465-4163

SUBSISTENCE DIVISION

Terry Haynes, Fairbanks	FSSCTEH	452-1531
Jim Magdanz, Kotzebue	FSSCKTZ	442-3420

COMMERCIAL FISH DIVISION

Director's Secretary, Juneau	FFMCKPP	465-4210
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DEPARTMENT OF NATURAL RESOURCES

BY DIVISION:

COMMISSIONER

Commissioner	NALCMBI	465-2400
ACMP Coordinator, Juneau	NALCJPO	465-2400

DIVISION OF AGRICULTURE

Director	NAGCDAG	745-7200
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DIVISION OF FORESTRY

Director	NFBCDIR	465-2491
Fairbanks	NFBCDFF	451-2700
Haines	NFBCHAI	766-2120
Juneau, Southeast Region	NFBCSED	465-2491
Ketchikan	NFBCKET	225-3070
Soldotna	NFBCDFS	262-7559

DIVISION OF GEOLOGICAL AND GEOPHYSICAL SURVEYS

Director	NMSCDGG	451-2700
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DIVISION OF LAND AND WATER MANAGEMENT

Director	NRSCDLW	762-4355
NRO	NRSCNCD	451-2700
NRO Water Section	NRSCNRW	451-2700
NRO-ACMP Liaison	NRSCGBE	451-2700
SCRO District Office	NRSCSCD	762-2253
SCRO-ACMP Liaison	NRSCCMP	762-2249
Mat-Su Area Office, Wasilla	NRSCLWW	376-4595
SERO-ACMP Liaison	NRSCCDE	465-3400
SERO District Office, Juneau	NRSCSED	465-3400
Resource Allocation Section, Juneau	NRSCRAJ	465-3400
Resource Allocation Section, Anchorage	NRSCRAS	762-2660

DIVISION OF MINING

Director	NSMCDOM	762-4192
Fairbanks	NSMCJUD	451-2700
Juneau	NSMCJNO	465-3400

DIVISION OF OIL AND GAS

Director	NORCDOG	762-4241
ACMP Liaison	NORCJWH	762-4242

DIVISION OF PARKS AND OUTDOOR RECREATION

Director	NRICDPR	762-4505
Kenai District Office	NRICKDO	262-5581
Northern Regional Manager	NRICNRP	451-2700
Southcentral Regional Office	NRICSCR	762-4565
Southeast Regional/Operations	NRICSER	465-4563

DNR STAFF IN ANCHORAGE

Division of Land and Water Management/SCRO, Anchorage and Wasilla

CAROL ASI	NRSCCAS	762-2253
CAROL COMPTON (Wasilla)	NRSCLWW	376-4595
GREG CURNEY	NRSCCMP	762-2270
ARLON DEYONG	NRSCADY	762-2253
GINGER GALLUS	NRSCSLC	762-2284
GARY GUSTAFSON (Director)	NRSCGGU	762-2692
JUDY JETT	NRSCJJE	762-2284
KIM KRUSE	NRSCRLK	762-2277
DICK LEFEBVRE	NRSCRLE	762-2692
LINDA MEDEROS (Wasilla)	NRSCLWW	376-4595
DICK MYLIUS	NRSCRAS	762-2260
RINDI PATTERSON	NRSCLPA	762-2469
JANETTA PRITCHARD (ACMP Liaison)	NRSCCMP	762-2270
GARY PROKOSCH	NRSCGPR	762-2277
KEN ROWELL	NRSCSCD	762-2270
GARY SAUPE	NRSCSLC	762-2284
MARY SIMS-WALTER	NRSCRLA	762-2277
MIKE SULLIVAN	NRSCLWW	762-2270
RON SWANSON	NRSCRAS	762-2660
RICK THOMPSON	NRSCRTH	762-2270
BILL WRIGHT	NRCBWR	762-2277

Division of Oil and Gas/Anchorage

JIM EASON (Director)	NORCDOG	762-2547
JOEL IVEY	NORCJIV	762-2593
DAVE JOHNSTON*	NORCWSR	762-2592
KRIS O'CONNOR	NORCKOC	762-2548
PAM ROGERS	NORCPRO	762-2584
WADE SROCK	NORCWSR	762-2594
BILL VAN DYKE	NORCDOG	762-2550
JOHN WHARAM (ACMP Liaison)	NORCJWH	762-2555
CAROL WILKINSON	NORCCWI	762-2581

*Care of Wade Srock's PROFS account

Division of Mining/Anchorage

JERRY GALLAGHER (Director)	NSMCDOM	762-2165
SAM DUNAWAY	NSMCDOM	762-2171
SUZANNE GAGUZIS	NSMCDOM	762-2518
MITCH HENNING (ACMP Liaison)	NSMCDOM	762-2109
CARLOS LOZANO	NSMCDOM	762-2180
CAROL PAHLKE	NSMCDOM	762-2181
BOB STUVEK (APMA Processing)	NSMCSTU	762-2163

DNR STAFF IN ANCHORAGE

Division of Parks/Anchorage and Kenai

JUDITH BITTNER	NRICDPR	762-2626
PAUL CHATTEY	NRICDPR	762-2624
BILL GARRY (Kenai)	NRICKDO	262-5581
BARBARA HOPE	NRICSCR	762-2617
DEBBIE KIRSCH	NRICDKI	762-2646
PETE PANARESE	NRICPPA	345-5014
CHERYL SCOTT	NRICCS	762-2608

Division of Forestry/SCRO and Anchorage

HAL BRACKETT	NFBCHBR	762-2125
DAVE WALLINGFORD (ACMP Liaison)	NFBCDOF	762-2501

Division of Agriculture/Palmer

FRANK MIELKE (Director)	NRSCFMI	745-7200
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DNR STAFF IN JUNEAU AND SOUTHEAST

Commissioner's Office/Juneau

JUDITH BRADY, COMMISSIONER		
C/O MICHELE WATTS	NALCMBI	465-2400
LARRY OSTROVSKY (Special Assistant)	NALCMBI	465-2400
JIM POWELL (ACMP Coordinator)	NALCJPO	465-2400

Division of Land and Water Management/SERO

ODIN BRUDIE	NRSCOB	465-3400
JANET BURLESON	NRSCJBU	465-3400
TED DEATS	NRSCTDE	465-3400
CHAS DENSE	NRSCRAJ	465-3400
DEE KOESTER	NRSCRAJ	465-3400
CHRIS LANDIS	NRSCCLA	465-3400
NAN MUSSELWHITE	NRSCNMU	465-3400
BOB PALMER	NRSCRPA	465-3400
ANDY PEKOVICH	NRSCSEM	465-3400
FRAN ROCHE (ACMP Liaison)	NRSCMPP	465-3400
RITA ROMANS	NRSCRRO	465-3400
RON SCHONENBACH	NRSCRSC	465-3400
STEVE SCOTT	NRSCSSC	465-3400
ELIZAVETA SHADURA	NRSCESH	465-3400

Division of Forestry/Southeast

(Director)	NFBCDIR	465-2491
DREW GRANT (Juneau)	NFBCJAG	465-2491
BILL HANSON (Ketchikan)	NFBCKET	225-3070
GEORGE HOLLETT (Juneau)	NFBCDIR	465-2491
ROY JOSEPHSON (Haines)	NFBCHAI	766-2120
JIM MCALLISTER (Juneau)	NFBCSED	465-2491
MIKE PEACOCK (Juneau)	NFBCSED	465-2491

Division of Mining/Juneau

FRANKIE PILLIFANT	NSMCJNO	465-3400
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Division of Parks/Juneau

LINDA KRUGER	NRICLKR	465-4563
TERRY RADER	NRSCMPP	465-4563

DNR STAFF IN FAIRBANKS

Division of Land and Water Management/NRO

GAYLE BERGER (ACMP Liaison)	NRSCGBE	451-2700
JACK KERIN (LUP)	NALCNCD	451-2700
CHRIS MILLES (TAGS)	NRSCCMI	451-2700
BILL NEWMAN (Materials)	NRSCWNE	451-2700
GARY SCHULTZ (Water)	NRSCNRW	451-2700
RICK SMITH (Operations)	NRSCNCD	451-2700
STEVE TRICKETT (ROW)	NRSCNCD	451-2700
NANCY WELCH (Information)	NRSCNWE	451-2700
GREG ZIMMERMAN (NSP)	NRSCGZI	451-2700

Division of Mining

JUDD PETERSON	NSMCJUD	451-2700
JOY ZUKE	NSMCJOY	451-2700

Division of Forestry

STEVE CLAUTICE	NFBCDFF	451-2700
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Division of Geological and Geophysical Surveys

TOM BUNDTZEN	NMSCDGG	451-2700
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DIVISION OF GOVERNMENTAL COORDINATION

BY LOCATION, IN ALPHABETICAL ORDER:

CENTRAL OFFICE

Jan Caulfield	GCHCJCM	465-3562
Joaqlin Estus	GCHCJME	465-3562
Kurt Fredriksson	GCHCKAF	465-3562
Terri Gallant	GCHC002	465-3562
Bob Grogan/Mary Bixby	GCHCRLG	465-3562
Nancy Holguin	GCHCNAH	465-3562
Veronica Hoyle	GCHC005	465-3562
Sara Hunt	GCHCSLH	465-3562
Craig Lindh	GCHCCJL	465-3562
Angie MacPherson	GCHC007	465-3562
Barb Sheinberg	GCHCBJS	465-3562
Lani VanderSyde	GCHC009	465-3562

SOUTHEAST OFFICE

Jackie Brown	GCHC008	465-3562
Lorraine Marshall	GCHCLFM	465-3562
Diane Mayer	GCHCDEM	465-3562
Carrie Sykes	GCHC001	465-3562

NORTHERN OFFICE

Elizabeth Benson	GCHCEAB	451-2818
Patti Wightman	GCHC004	451-2818

SOUTHCENTRAL OFFICE

Patty Bielawski	GCHCPJB	274-1581
Sally Gibert	GCHCSMG	274-3528
Pat Miller	GCHC003	274-1581
Debra Oylear	GCHCDJO	274-3528
Louisa Rand	GCHCLBR	274-1581
Janice E. Ryan	GCHC006	274-3528
Alison Smith	GCHCALS	274-1581
Michelle Sydeman	GCHCEMS	274-3528

OTHER STATE AGENCIES

GOVERNOR'S OFFICE

Lisa Taylor	GASCABA	465-3500
Carla Deder	GASCCCD	465-3500
Terry Eller	GASCTDE	465-3544
Fred Fisher	GASCFWF	465-3544
Sue Goodale	GASCSGO	465-3500
Vern Jones	GASCVOJ	465-3544
Stacey Seitz	GASCMRW	465-3500
Rod Swope (c/o Stacey Seitz)	GASCMRW	465-3500

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Commissioner Smith c/o Kris Mooney	DAAC002	465-2501
Bill Paulick c/o Kris Mooney	DAAC002	465-2023
Thyes Shaub c/o Geoff Whistler	DNBCJEF	465-2094
Geoff Whistler	DNBCJEF	465-2023
Caren Mathis	DAACCLM	562-2728

DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS

Juneau:

Commissioner Hoffman	JTLC112	465-4700
Gladyce Williamson	JTLC100	465-4700
Peter Freer	JTLC308	465-4750
Tom Lane	JTLC301	465-4750
Wayne Longacre	JTLC303	465-4750
Peter McKay	JTLC304	465-4750

Anchorage:

Rick Elliot	JTLC357	561-8586
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Attorney General's Office	WPFCJAG	465-3600
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DEPARTMENT OF ADMINISTRATION

Jan Hickey (Records Storage, Juneau)	APUC073	465-2276
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FEDERAL AGENCIES

NATIONAL MARINE FISHERIES SERVICE

Juneau	ZCLCNMF	586-7236
Anchorage	ZCLCRNM	271-5006

CORPS OF ENGINEERS

Anchorage	ZCUCCOE	552-3117
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MINERALS MANAGEMENT SERVICE

Anchorage	ZCNCMMS	261-4010
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SOUTHCENTRAL COASTAL DISTRICTS

Aleutians East	Marjorie Dunaway	ZCJCALE
Aleutians West	Darcy Lockhart	ZCGCAWC
Anchorage	Mark Dalton Thede Tobish	ZCCCANC ZCCCTGT
Bristol Bay CRSA	Sue Flensburg Peter Crimp	ZCECBRB
Ceñaliulriit	Anna Phillip	ZCACCEN
Kenai Borough	Sylvia Spearow	ZCQCKPB
Matanuska-Susitna Borough	Claud Oxford	ZCRCMSB
Whittier*	Doug Bolle	ZCSCWHT

NORTHERN COASTAL DISTRICTS

North Slope Borough	Karla Kolash, Dave Germann, Dave Smith, Sarah Newman	ZCKCNSB
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Juneau	Murray Walsh	ZCBCJUN
Kake	Bill Cheney	ZCOCKAK
Ketchikan	Bill Jones	ZCHCKET
Pelican*	Jenny Weaver	ZCTCPPEL
Sitka	Stu Denslow Marlene Campbell	ZCPCSIT

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Kyoko Ikenoue (for "Alaska Logon" subscriptions and other Data Processing Publications)	XCSCCKDI	
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Juneau	463-3454
Ketchikan.....	225-4859
Washington, DC	(202) 624-5857

Division of Governmental Coordination

Anchorage Office	277-9244
Fairbanks Office	451-2814
Juneau Office	465-3075

Commerce and Economic Development

Alaska Power Authority, Anchorage	263-7361
Anchorage (desk phone: 562-2728)	562-0048
Juneau (desk phone: 465-2506)	465-2428

Community and Regional Affairs

Anchorage	563-1734
Bethel	543-4152
Dillingham	842-5140
Fairbanks	451-7251
Juneau	465-2948
Kodiak	486-5960
Kotzebue	442-2407
Nome	443-2409

Environmental Conservation

Juneau	586-1391
Anchorage	562-4026
Fairbanks	451-6130

Fish and Game

Commissioner's Office, Juneau	586-6595
Anchorage	349-1723
Fairbanks	456-3091
Kodiak	486-4969
Sandpoint	383-2606

Law

Attorney General's Office	465-3612
Attorney General's Office, Anchorage	276-3697

Natural Resources

Commissioners Office, Juneau	586-2754
Commissioners Office, Anchorage	762-2536
Delta Junction	895-4225
Forestry, Frontier Building, Anchorage	561-2707
Forestry, Fairbanks	451-2690
Mining, Frontier Building, Anchorage	563-1853
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Department of Transportation and Public Facilities

Commissioner's Office, Juneau	586-8365
Anchorage Planning Office	243-1512
Fairbanks (all offices)	451-2333

DISTRICTS

Aleutians East CRSA - Marjorie Dunaway	383-3496
Aleutians West CRSA - Darcy Lockhart	563-1734
Municipality of Anchorage - Mark Dalton	274-5718
Bristol Bay CRSA - Sue Flensburg	842-2438
City of Cordova - Dave Dengel	424-7727
City of Craig - Rochelle Rollenhagen.....	826-3778
City of Hydaburg - Adrian LeCornu (c/o Haida Corp.)	285-3944
Kenai Peninsula Borough	262-1892
Kodiak Island Borough - Linda Freed (c/o DCRA)	486-5960
City of Kotzebue	442-3742
Matanuska-Susitna Borough, Palmer	745-0886
North Slope Borough, Anchorage	561-5068
North Slope Borough, Barrow	852-2679
Northwest Arctic Borough - Jason Jessup	442-2930
City of Valdez - Linda Fulkerson	835-2992
City of Whittier	472-2404

FEDERAL AGENCIES

BLM, Anchorage	271-5425
Corps of Engineers, Anchorage	753-5567
Corps of Engineers, Regulatory Branch, Anchorage	753-5567
EPA, Seattle	(206) 442-4672
Federal Energy Regulatory Commission, Washington, DC (202)	376-9250
Minerals Management Service, Anchorage	561-4860
(NMFS) NOAA, Juneau	586-7638
NOAA/OCRM, Washington, DC	(202) 673-5329

FEDERAL AGENCIES (continued)

U.S. Forest Service:

Anchorage (desk phone: 271-2575)	271-2533
Juneau (Regional Office) (desk phone: 586-8749)	586-8856
Ketchikan (desk phone: 225-3101)	225-5626
Petersburg (desk phone: 772-3841)	772-3314
Sitka (desk phone: 747-6671)	747-5308

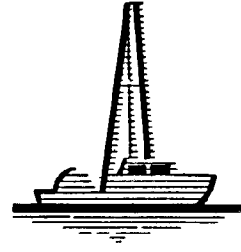
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ARCO, Anchorage.....	265-6470
Sea Grant, Fairbanks.....	474-7204
Shell Western, Houston, Texas	(713) 870-4023
Ott Water Engineers, Anchorage	561-4621

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CHAPTER VI

INDEX TO THE STATE CONSISTENCY REVIEW PROCESS

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